



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 26]

नई दिल्ली, शुक्रवार, अगस्त 8, 2014/ श्रावण 17, 1936 (शक)

No. 26]

NEW DELHI, FRIDAY, AUGUST 8, 2014/SRAVANA 17, 1936 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 8th August, 2014:—

BILL No. 85 OF 2014

A Bill to provide assured minimum price of agricultural produce to farmers by establishing Farmers' Commissions at National and State levels and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Farmers (Right to Assured Minimum Price for Agricultural Produce) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commencement.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "agricultural produce" means agricultural produce specified in the Schedule to this Act;

(b) "assured minimum price" means the price declared by the Central Government under section 3;

(c) "farmer" means a person who, in general, is engaged in producing agricultural produces or in their promotion either by self or by hired workers or otherwise but does not include a trader of agricultural produce;

(d) "farmers' court" means the Court established under section 24;

(e) "Fund" means the National Fund for Farmers constituted under section 26;

(f) "Gram Panchayat" means panchayat set up at the village level under article 243B of the Constitution;

(g) "in-charge" in relation to a Procurement Centre means a person appointed to oversee the functioning of Procurement Centres;

(h) "minimum wages" means the minimum wages prescribed for semi-skilled workers under the Minimum Wages Act, 1948;

11 of 1948.

(i) "National Commission" means the National Farmers' Commission established under section 10;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "Procurement Centre" means Procurement Centres set up under section 4 for purchase of agricultural produce on the basis of price declared under section 3; and

(l) "State Commission" means the State Farmers' Commission established under section 17.

CHAPTER II

ASSURED INCOME TO FARMERS

Central Government to declare assured price of agricultural produce.

3. (1) The Central Government shall, at least fifteen days before the beginning of every sowing season, declare, by notification in the Official Gazette, an assured minimum price for every agricultural produce specified in the Schedule to this Act.

(2) The declaration of assured minimum price under sub-section (1) shall be on the basis of recommendations made by the National Commission:

Provided that where the Central Government does not accept the recommendation of the National Commission, it shall publish the reasons for not accepting the recommendations of the National Commission in the Official Gazette before making a declaration under sub-section (1).

(3) The declaration made under sub-section (1) shall be given wide publicity by the Central Government.

Establishment of Procurement Centres.

4. (1) The Central Government shall, within six months of the coming into force of this Act, establish a Procurement Centre in every district to facilitate procurement of agricultural produce of farmers at assured minimum price.

(2) The constitution, management and operation of the Procurement Centres established under sub-section (1) shall be such, as may be prescribed.

(3) It shall be the responsibility of every farmer to bring his agricultural produce for sale at the Procurement Centre.

(4) The Procurement Centre shall purchase the agricultural produce brought by a farmer for sale at the assured minimum price and make payment to the farmer without any delay.

(5) Notwithstanding anything in sub-section (4), the Procurement Centre may refuse to purchase the agricultural produce brought by a farmer if the quantum of impurities in the agricultural produce is more than the prescribed limit:

Provided that where a farmer does not agree with the decision regarding impurities in the agricultural produce, the in-charge of the Procurement Centre shall, in the presence of two persons, other than the persons employed at the Procurement Centre, take a sample of the agricultural produce in such manner, as may be prescribed and seal the sample properly and forward it, after recording thereon the contention of the concerned farmer, to the Farmers' Court.

(6) The Farmers' Court shall, on receipt of the sample, satisfy itself about the safety of the seal and the statements of the farmer and the in-charge concerned of the Procurement Centre in such manner, as may be prescribed, and thereafter, take a decision either on his own or with the assistance of a specialist.

(7) Where the sample is not found damaged or does not contain impurities more than the prescribed limit, the Farmers' Court shall direct the in-charge of the Procurement Centre to immediately purchase the agricultural produce.

(8) Where the in-charge of a Procurement Centre, in spite of a direction under sub-section (7), refuses to purchase the agricultural produce, he shall pay rupees ten thousand as compensation to the farmer.

5. (1) Where the National Commission recommends any area to be declared as an area affected by natural calamity or a deficient area, the Central Government shall, by notification in the Official Gazette, declare such area to be an affected area.

Declaration of an area as an area affected by natural calamities.

(2) Where the Central Government does not declare an area to be an affected area on the recommendation of the National Commission, it shall publish the reasons for not accepting the recommendation in the Official Gazette.

6. (1) The Central Government shall, within six months of the coming into force of this Act, prepare a scheme for providing suitable employment to farmers in the affected areas:

Scheme for providing employment to farmers in affected areas.

Provided that where a centrally-sponsored scheme is already being implemented in an affected area, the farmers of that area shall be provided employment under that scheme.

(2) Every farmer of an affected area, who desires to get an employment under sub-section (1), shall approach the nearest Procurement Centre for getting his name registered by the in-charge of the Procurement Centre for employment.

(3) The in-charge of the Procurement Centre after registering the name of a farmer shall provide him employment in such manner, as may be prescribed:

Provided that where the in-charge of a Procurement Centre is unable to provide immediate employment to a farmer, he shall ask the farmer in writing to report after seven days:

Provided further that where the employment is not provided to a farmer after a lapse of seven days, the in-charge of Procurement Centre shall pay to the farmer minimum wages for a period beginning from the day of registration of his name till he is provided employment.

7. (1) Every farmer whose crops are damaged due to natural calamities or by wild animals shall have the right to claim compensation for losses suffered by him in accordance with the provisions of this section.

Farmers' right to claim compensation.

(2) The assessment of compensation under sub-section (1) shall be made on the following basis:—

(i) average agricultural production per hectare of land during the last seven years;

(ii) the loss in respect of agricultural produce shall be assessed on the basis of assured minimum price declared for agricultural produce in the year in which the loss has occurred; and

(iii) in case of loss suffered due to wild animals resulting in death, the compensation shall be calculated in accordance with the provisions of the Motor Vehicles Act, 1988.

59 of 1988.

(3) For the purpose of assessing loss suffered by a farmer, every State Government shall, by notification, establish an Assessment Expert Committee for every affected area.

(4) The Assessment Expert Committee shall consist of such persons, from the affected area, as may be prescribed.

(5) The Committee shall make a report on the assessment of loss within three days of receiving information in this regard and submit it to the in-charge of the concerned Procurement Centre.

(6) The in-charge of the concerned Procurement Centre shall pay the amount of compensation as recommended in the report of the Assessment Expert Committee.

Payment of insurance amount to farmers.

8. Notwithstanding anything in section 7, a farmer who has suffered losses on account of natural calamity or due to wild animals, shall also be paid the insurance amount by the insurance company, which shall not be less than the assured minimum price which the agricultural produce would have fetched to him.

Farmer to avail loan from Procurement Centre against agricultural produce.

9. (1) Notwithstanding anything in this Act, a farmer may avail loan from a Procurement Centre against his agricultural produce.

(2) The maximum amount of loan under sub-section (1) shall be calculated on the basis of prevailing assured minimum price of the agricultural produce.

(3) Nothing in sub-section (2) shall prevent the farmer from selling his agricultural produce, against which the loan was taken, on a future date at an assured minimum price as existing on that future date to the Procurement Centre.

CHAPTER III

NATIONAL FARMERS' COMMISSION

Establishment of National Commission.

10. (1) Within one year from the commencement of this Act, the Central Government shall establish a Commission to be known as the National Farmers' Commission.

(2) The National Commission shall be a body corporate having perpetual succession and a common seal with the power to acquire, hold and dispose of property, both movable and immovable, and to contract and shall by the said name sue and be sued.

(3) The National Commission shall consist of—

(i) a renowned person having expert knowledge and practical experience in the field of agriculture, to be nominated by the Central Government;

—Chairperson

(ii) five persons from amongst the Chairpersons of the State Farmer Commissions to be nominated by the Central Government on recommendation of the Selection Committee constituted under sub-section (4);

—members

(iii) five persons representing farmers' organisations

—members

to be nominated by the Central Government in such manner as may be prescribed;

(iv) one person who shall be an eminent scholar in the discipline of agriculture having taught the subject for at least ten years in a university, to be nominated by the Central Government in such manner as may be prescribed;

— member

(v) one person representing the Union Ministry of Agriculture, to be nominated by the Central Government;

— member

(vi) one person having special knowledge or practical experience in the field of agriculture, marketing, agricultural economics or agricultural management, to be nominated by the Central Government.

— member-secretary

(4) For the purpose of nominating members under clause (ii) of sub-section (3), there shall be constituted a Selection Committee consisting of—

(a) the Prime Minister who shall be the Chairperson of the Committee;

(b) Leader of Opposition in Lok Sabha; and

(c) Minister-in-charge of the Union Ministry of Agriculture.

Explanation.— For the removal of doubts, it is clarified that when nobody has been given recognition as a Leader of Opposition, the leader of the largest opposition party shall be deemed as the Leader of Opposition.

(5) The head office of the National Commission shall be at New Delhi and it may establish its offices, with the prior approval of the Central Government, at such other places as it deems appropriate.

11. (1) The term of office of the Chairperson and other members of the National Commission shall be five years from the date on which they enter their office or till they attain the age of sixty-five years, whichever is earlier:

Provided that the Chairperson and other members of the National Commission shall not be eligible for re-appointment.

(2) The Chairperson or any member of the National Commission may, by writing under his hand addressed to the President, resign his office.

(3) The salary, allowances and other conditions of service of—

(i) the Chairperson shall be the same as that of the Chief Election Commission of India;

(ii) other members shall be such as may be prescribed:

Provided that if the Chairperson or a member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a member, be reduced—

(a) by the amount of that pension; and

(b) if he has, before such appointment, received, in lieu of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a member shall not be varied to his disadvantage after his appointment.

12. (1) The Chairperson or any member shall be removed from his office by an order of the President on the ground of proved misbehaviour or incapacity if, on a reference made to the Supreme Court by the President, the Supreme Court opines that the grounds for removal are justified.

Term and Conditions of the Chairperson and members of the National Commission.

Removal of the Chairperson and members of the National Commission.

(2) The President may suspend from office the Chairperson or any member in respect of whom a reference has been made to the Supreme Court under sub-section (1) till the receipt of the opinion of the Supreme Court.

(3) Notwithstanding anything contained in sub-section (1), the President may, by order, remove from office the Chairperson or any member if the Chairperson or such member, as the case may be,—

(a) is adjudged an undischarged insolvent; or

(b) is convicted of any serious crime; or

(c) engages, during his term of office, in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) is concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, otherwise than as a member, which is detrimental to his work in the National Commission.

Vacancies, etc.
not to
invalidate
proceedings of
the National
Commission.

13. No act or proceeding of the National Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the National Commission;

or

(b) any defect in the appointment of a person as the Chairperson or a member; or

(c) any irregularity in the procedure of the National Commission not affecting the merits of the case.

Officers and
staff of the
National
Commission.

14. (1) The Central Government, shall appoint such number of officers and staff as are necessary for the efficient functioning of the National Commission.

(2) The salary and allowances payable to, and other terms and conditions of the service of the officers and staff shall be such as may be prescribed.

Functions of
the National
Commission.

15. The National Commission shall perform the following functions—

(a) recommend to the Central Government the assured minimum support price for every agricultural produce at least six weeks before beginning of every sowing season;

(b) take into consideration the following in determining the assured minimum support price of an agricultural produce—

(i) cost of inputs required for agricultural produce; and

(ii) that a farmer gets profit of not less than fifty per cent. of the total investment made by him;

(c) recommend to the Central Government an area affected by natural calamity be declared as an affected area after conducting such study of that area as it may consider necessary with a view to provide compensation to farmers;

(d) recommend to the Central Government in regard to measures required for agricultural growth, improving quality and quantity of produce and making agriculture a remunerative occupation;

(e) give wide publicity to the assured minimum price after its announcement by the Central Government through such print and electronic media as it may deem appropriate;

(f) disseminate information among the farmers about the market prices of agricultural produce prevailing in various States and also in international markets;

(g) encourage research in future demand of agricultural products in order to

provide inputs to the farmers to grow such produce as would fetch remunerative prices;

(h) evaluate various measures for the development of agriculture and welfare of farmers;

(i) review the safeguards provided under the Constitution to the farmers and recommend to the Central Government suitable legislative measures to strengthen the existing safeguards by enactment of suitable laws by the Parliament and suggesting appropriate laws to be enacted by the State Legislatures;

(j) issue guidelines regarding duties, functions and responsibilities of the State Commissions; and

(k) such other works as it may consider necessary for carrying out the purposes of this Act or assigned to it by the Central Government.

16. (1) The National Commission shall observe such rules of procedure in the transaction of its business, including the quorum at its meetings, as may be prescribed, and till such rules are framed, the National Commission shall function under the directions of the Chairperson.

Functioning
of the
National
Commission.

(2) The National Commission may, for effective discharge of its functions, constitute committee comprising of its members or members and other persons including experts.

(3) The National Commission may frame rules and regulations in regard to terms and conditions of service of any person, who is not a member of the National Commission, in a committee constituted under sub-section (2), with the approval of the Central Government.

(4) While discharging its functions under the Act, the National Commission shall, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) asking for any public document or its copy from any court or office;

(d) receiving evidence on affidavits;

(e) requisitioning any public record or copy thereof from any court or office; and

(f) issuing commissions for the examination of witnesses or documents.

CHAPTER IV

STATE FARMERS' COMMISSION

17. (1) Within one year from the commencement of the Act, every State Government shall establish a Commission to be known as the State Farmers' Commission, by notification in the Official Gazette, to exercise the powers and perform functions assigned to it under the Act.

Establishment
of the State
Commission.

(2) The State Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The State Commission shall consist of—

(i) a renowned person having expert knowledge and practical experience in the field of agriculture, to be nominated by the State Government;

— *Chairperson*

(ii) five persons representing farmers' organisations in the State, to be nominated by the State Government in such manner as may be prescribed;

— *members*

(iii) one person who shall be an eminent scholar in the

— *member*

discipline of agriculture having taught the subject for at least ten years in a university, to be nominated by the State Government on recommendation of the Selection Committee constituted under sub-section (4);

(iv) one person representing the Ministry or Department of Agriculture in the State, to be nominated by the State Government; — *member*

(v) one person representing the State Agriculture Research Council or such other body engaged in agricultural research on recommendation of the Selection Committee constituted under sub-section (4); and — *member*

(vi) one person having special knowledge or practical experience in the field of agriculture, marketing, agricultural economics or agricultural management to be nominated by the State Government. — *member-secretary*

(4) For the purpose of nominating members under clauses (iii) and (v) of sub-section (3), there shall be constituted a Selection Committee consisting of—

(a) the Chief Minister who shall be the Chairperson of the Committee;

(b) Leader of Opposition in State Legislative Assembly; and

(c) Minister-in-charge of the ministry/department of Agriculture in the State.

Explanation.—For the purpose of removal of doubts, it is clarified that when nobody has been given recognition as a Leader of Opposition, the leader of the largest opposition party shall be deemed as the Leader of Opposition.

(5) The head office of the State Commission shall be located at the capital city of that State and it may establish its offices, with the prior approval of the State Government, at such other places within the State, as it deems appropriate.

Conditions of service and terms of office of the Chairperson and members of the State Commission.

18. (1) The Chairperson or any other member shall hold office for a term not exceeding five years from the date on which he enters upon his office or until he attains the age of Sixty-five years, whichever is earlier :

Provided that the Chairperson or any member may, by writing under his hand addressed to the Governor, resign his office:

Provided further that the Chairperson and other members of the State Commission shall not be eligible for re-appointment.

(2) The salary, allowances and other conditions of service of the Chairperson and other members of the State Commission shall be such as may be prescribed:

Provided that if the Chairperson or a member is, at the time of his appointment, in receipt of pension (other than disability pension) in respect of any previous service under the Government of a State, his salary in respect of service as the Chairperson or, as the case may be, as a member, be reduced—

(a) by the amount of that pension; and

(b) if he has, before such appointment, received, *in lieu* of a portion of the pension due to him in respect of such previous service, the commuted value thereof, by the amount of that portion of the pension:

Provided that the salary, allowances and pension payable to, and other conditions of service of, the Chairperson or a member shall not be varied to his disadvantage after his appointment.

Removal of the Chairperson and the members of the State Commission.

19. (1) The Chairperson or any member shall be removed from his office by an order of the Governor on the ground of proved misbehaviour or incapacity, if, on a reference made to the High Court by the Governor, the High Court opines that the grounds for removal are justified.

(2) The Governor may suspend from office the Chairperson or any member in respect of whom a reference has been made to the High Court under sub-section (1) till the receipt of the opinion of the High Court.

(3) Notwithstanding anything contained in sub-section (1), the Governor may, by order, remove from office the Chairperson or any member if the Chairperson or such member, as the case may be,—

(a) is adjudged an undischarged insolvent; or

(b) is convicted of any serious crime; or

(c) engages, during his term of office, in any paid employment outside the duties of his office; or

(d) is, in the opinion of the Governor, unfit to continue in office by reason of infirmity of mind or body; or

(e) is concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, otherwise than as a member, which is detrimental to his work in the State Commission.

20. (1) The State Government shall appoint such number of officers and staff as are necessary for the efficient functioning of the State Commission.

Officers and staff for the State Commission.

(2) The salary and allowances payable to, and other terms and conditions of the service of the officers and staff of the State Commission shall be such as may be prescribed.

21. The State Commission shall perform the following functions—

Functions of the State Commission.

(a) forward the details of natural calamities occurring in various parts of the State to the National Commission with a view to provide adequate compensation to farmers;

(b) recommend to the State Government in regard to measures required for agricultural growth, improving quality and quantity of produce and making agriculture a remunerative occupation;

(c) give wide publicity to the assured minimum price after its announcement by the Central Government through such print and electronic media, including media in the language spoken in the State as it may deem appropriate;

(d) disseminate information among the farmers about the market prices of agricultural produce prevailing in different parts of the State;

(e) encourage research in future demand of agricultural products in order to provide input to the farmers in the State to grow such produce as would fetch remunerative prices;

(f) evaluate various measures for the development of agriculture and welfare of farmers in the State;

(g) review the safeguards provided under the Constitution to the farmers and recommend to the State Government suitable legislative measures to strengthen the existing safeguards;

(h) issue guidelines for the State Government regarding compilation and maintenance of land records, all relevant agricultural data including data of sowing and harvest of crops; and

(i) such other works as it may consider necessary for carrying out the purposes of this Act or assigned to it by the State Government.

22. (1) The State Commission shall observe such rules of procedure in the transaction of its business, including the quorum at its meetings, as may be prescribed, and till such rules are framed, the State Commission shall function under the directions of the Chairperson.

Functioning of the State Commission.

(2) The State Commission may, for effective discharge of its functions, constitute committee comprising of its members or members and other persons including experts.

(3) The State Commission may frame rules and regulations in regard to terms and conditions of service of any person, who is not a member of the Commission, in a committee constituted under sub-section (2), with the approval of the State Government.

(4) While discharging its functions under the Act, the Commission shall have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and, in particular, in respect of the following matters, namely:— 5 of 1908.

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) asking for any public document or its copy from any court or office;

(d) receiving evidence on affidavits;

(e) requisitioning any public record or copy thereof from any court or office; and

(f) issuing commissions for the examination of witnesses or documents.

State Government to provide necessary staff and technical assistance to the State Commission.

23. (1) The State Government shall provide such necessary staff and technical assistance to the State Commission as may be necessary for effective implementation of this Act.

(2) The State Government shall, in such manner as may be prescribed, provide for effective mechanism for proper implementation of the provisions of this Act and ensuring transparency and accountability at all the levels.

CHAPTER V

FARMERS' COURT

Farmers' Court.

24. (1) For the purpose of exercising the jurisdiction and powers conferred by this Act, the State Government, after consultation with the High Court, may, by notification, establish one or more Farmers' Court for every Gram Panchayat or a group of contiguous Gram Panchayats.

(2) The State Government shall, after consultation with the High Court, specify, by notification, the local limits of the area to which the jurisdiction of a Farmers' Court shall extend and may, at any time, increase, reduce or alter such limits.

(3) The Farmers' Court established under sub-section (1) shall be in addition to the courts established under any other law for the time being in force.

(4) Every Farmers' Court shall consist of,—

(i) a Chairperson and not more than two members, to be nominated by the Gram Sabha; and

(ii) not more than two members, to be nominated by the parties to the case.

(5) The terms and conditions of the service of the Chairperson and members of a Farmers' Court shall be such as may be prescribed.

(6) Notwithstanding anything contained in any other law for the time being in force, the Farmers' Court shall have the power to:—

(a) try any decision made by a Procurement Centre under section 4; and

(b) try a complaint filed by any person regarding the operation of the Procurement Centre.

Penalty and punishment.

25. (1) Any person serving under the Central or a State Government, who fails to comply with the order or award passed by the Farmers' Court, shall be punishable with a fine which shall not be less than rupees five thousand but may extend to rupees one lakh.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 2 of 1974.

Farmers' Court shall have the power of a First Class Judicial Magistrate for trial of offences under this Act.

CHAPTER VI

NATIONAL FUND FOR FARMERS

26. (1) The Central Government shall, by notification in the Official Gazette, constitute a Fund to be known as the National Fund for Farmers. National Fund for Farmers.

(2) The Central Government shall, after due appropriation made by Parliament, by law, in this behalf, provide adequate funds to the Fund for being utilised for the purposes of this Act.

(3) The Fund shall be utilized in such a manner and be subject to such conditions, as may be prescribed by the Central Government.

27. It shall be the responsibility of the Central Government to ensure proper utilisation and management of the Fund for the purposes of this Act. Central Government to ensure proper utilisation and management of the Fund.

CHAPTER VII

MISCELLANEOUS

22 of 2005.

28. Notwithstanding anything contained in the Right to Information Act, 2005, every State Government shall provide the information on matters referred to in this Act within a period of seven days from the date of receipt of application regarding information. Provision of information on matters covered under this Act.

29. The Central Government shall bear the entire expenditure made in connection with the National Commission and the State Commissions. Central Government to bear expenditure.

30. The Central Government shall provide adequate financial assistance to the State Governments for proper implementation of this Act. Central Government to provide financial assistance to State Governments.

31. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty: Power to remove difficulties.

Provided that no order shall be made under this section after the expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

32. No suit, prosecution or other legal proceeding shall lie against the Central Government, the State Government, the National Commission, the State Commission, or any member thereof or any person acting under the direction either of the Central Government, State Government, the National Commission or the State Commission, in respect of anything which, is in good faith done or intended to be done in pursuance of this Act or of any rules made thereunder or in respect of the publication by or under the authority of the Central Government, State Government, the National Commission, or the State Commission of any report or paper. Protection of action taken in good faith.

Overriding effect of the Act.

33. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Act to be in addition to other laws.

34. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force.

Power to give directions.

35. For the purposes of this Act, the Central Government may, from time to time, give such general or special directions as it thinks fit, and the State Governments shall, in the discharge of its functions under this Act, comply with such directions.

Power to amend Schedule.

36. (1) Where the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, add to or omit from Schedule any item.

(2) Every notification issued under sub-section (1) shall be laid before each House of Parliament.

Power to make rules.

37. (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power of the State Government to make rules.

38. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act.

(2) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such State Legislature consists of one House, before that House.

SCHEDULE

[see sections 3(I) and 36(I)]

1. Fibre	Cotton, Sugarcane.
2. Cereals	Wheat, Millet, Pearl Millet, Barley, Maize, Paddy.
3. Leguminous Cereals	Lentil, Arhar, Chola, Batla, Chana, Groundnut, Moth, Gwar, Horsegram.
4. Oilseeds	Sesame, Mustard, Black Mustard, Tara, Linseed, Soyabean, Sunflower.
5. Fruits	Lemon, Malta, Orange, Pumpkin, Papaya, Guava, Mango, Muskmelon, Watermelon, Pomegranate, Water Chestnut, Banana, Ber, Mausambi, Grapes, Falsa, Cucumber, Apple, Shehtoot, Khirni, Sapota, Leechi, Leekat, Aonla, Khurmani, Adu, Jamun, Kamalgatta, Alubukhara.
6. Vegetables	Potato, Sugarbeet, Onion, Tomato, Pumpkin, Cauliflower, Cabbage, Carrot, Brinjal, Raddish, (Green and Red Pepper), Ladyfinger, Green Pea, Garlic, Leafy Vegetables, Tinda, Gourd, Taro, Torai, Bitter Gourd, Green Chulai, Raw Turmeric, Kauraunda, Kairi, Shaljam, Parwal, Jamikand, Kathal, Kamalkakari, Ratalu.
7. Animal Husbandry	Wool and Ghee.
8. Spices	Cumin, Coriander, Methi, Asafoetida, Ajwain, Ginger.
9. Forest Produce	Construction Woods (Except for the wood imported for handicraft manufacturing).
10. Miscellaneous	Posta seeds, Isabgoal, Mehendi (1. Fruit, Dry leaves of flowers 2. Tea leaves 3. Coffee 4. Coconut 5. Coconut water 6. Pind Dates 7. Sonamukhi), Aswagandha.

STATEMENT OF OBJECTS AND REASONS

The Supreme Court has recognized the right to dignified livelihood as an essential part of right to life enshrined in article 21 of the Constitution.

Article 38(2) states that the State shall, in particular, strive to minimise the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different locations.

Articles 46 and 47 of the Constitution give directions to the State for formulating laws for raising the standard of living of weaker sections of society by protecting from social injustice with augmentation of their educational and economical interests with special attention.

According to a 2003 report of the National Sample Survey Organisation, income of a farmers' family is Rs. 2115 per month whereas the starting monthly salary of a Class IV employee of the Government is rupees 15,000 per month. On the other hand, agriculture is not a preferred occupation of the new generation because it is not remunerative. Those who are engaged in agriculture are doing so because they do not have any alternative. According to another survey of the National Sample Survey Organisation conducted in the year 2005, forty per cent. farmers will leave agriculture if other occupations are made available to them. Though industrial sector have full freedom to charge whatever price they desire, the prices of agricultural produce are fixed by the Government on the basis of cost price. Farmers do not have the freedom to determine prices of agricultural products and the prices of agricultural produce are fixed by those who are not directly concerned with agriculture. Prices of agricultural produce are not fixed on the basis of cost and dividend like the industrial sector, therefore, dual standards exist in the price fixation of agricultural products.

The prices of agricultural produce have risen very slowly compared to other products. In 1956, the cost of 45 kilogram wheat could buy 200 litre diesel, and now the situation is that to buy same quantity diesel the cost of 8 quintals of wheat is required. In 1970, the cost of one quintal of wheat was required to buy ten grams of Gold and today approximately the cost of 30 quintal wheat is required for the same quantity of Gold. Decline in purchasing power of cereals has also adversely affected farmers and has led them to a pitiable condition.

Today, agriculture is in crisis. The contribution of agriculture in Gross National Product was fifty-five per cent. in the year 1951 before the start of first five-year plan which has decreased to 13.9 per cent. in the year 2011-12. Farmers are helpless both at the time of selling their agricultural produce and are equally helpless at the time of purchasing consumer goods from markets. A farmer is born under the debt and dies under its burden. According to a survey of National Crime Records Bureau, approximately 2.5 lakh farmers had to end their life due to vicious cycle of debt. Farmers are forced to sell their produce at prices less than their cost of production due to lack of storage capacity and facility. The Government does not provide the benefit of minimum support price to them. As a result, unrest, anarchy and naxalism and terrorism have spread due to widening of social disparity.

At present, there is no sector other than agriculture which can provide employment to more than sixty per cent. population which is dependent on agriculture. Interests of farmers have been neglected in the last sixty-four years. Till date, Minimum Support Price is fixed for a few agricultural produces only which are fixed less than the actual cost and a stable system has not been developed for purchase at Minimum Support Price in the last forty-seven years. The present Bill is very important to solve the problems of farmers and save agriculture by ensuring minimum price of agricultural produce to farmers. If the required quantity of wheat, rice, maize, pearl, pulses and the foodgrains grown in an area are kept in that area for providing the same to persons living below poverty line then the expenditure on transport, carriage and Government machinery will be avoided and farmers will also be given assured income.

NEW DELHI;
June 27, 2014.

DEVJI M. PATEL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall declare an assured minimum price of every agricultural produce specified in the Schedule of this Act. It also provides that the declaration shall be given wide publicity by the Central Government. Clause 4 provides that the Central Government shall establish a Procurement Centre in every district to facilitate procurement of agricultural produce of farmers at assured minimum price. It also provides for compensation to farmers in case the in-charge of Procurement Centre refuses to purchase the agricultural produce. Clause 6 provides for preparing scheme on providing employment to a farmer in affected areas. It also provides that if a farmer is not provided with employment he shall be given minimum wages for a certain period. Clause 7 provides for constitution of an Assessment Expert Committee to assess loss suffered by farmers and payment of compensation. It also provides for payment of compensation by the in-charge of Procurement Centre. Clause 8 provides for payment of insurance amount to farmers by the insurance company on account of natural calamity or loss suffered due to wild animals. Clause 9 provides for availability of loan to farmers from a Procurement Centre against their agricultural produce. Clause 10 provides for establishment of the National Farmers' Commission by the Central Government. Clause 11 provides for payment of salary, allowance and other conditions of service of Chairperson and members of the National Commission. Clause 14 provides for appointment of adequate number of officers and staff of National Commission. It also provides for payment of salary and allowances and other terms and conditions of the officers and staff of the National Commission. Clause 15 provides for giving wide publicity to the assured minimum price announced by the Central Government through print and electronic media and also disseminate information among the farmers about the market prices of agricultural products in various States. Clause 17 provides for establishment of State Farmers' Commission. Clause 18 provides for conditions of service of the Chairperson and members of the State Commission. Clause 20 provides for officers and staff of the State Commission. Clause 24 provides for establishment of Farmers' Court in every Gram Panchayat. Clause 26 provides for constitution of National Fund for Farmers by the Central Government. Clause 29 provides that the Central Government shall bear the entire expenditure made in connection with the National Commission and the State Commissions. Clause 30 provides for financial assistance to the State Governments for carrying out the purposes of this Act. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees fifteen thousand crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifteen thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the National Commission for framing of rules of procedure, transaction of its business, quorum at its meetings, etc. for discharging certain functions under this Act.

Clause 22 of the Bill empowers the State Commission for framing of rules of procedure, transaction of its business, quorum at its meetings, etc. for discharging certain functions under this Act.

Clause 37 empowers the Central Government to make rules for carrying out the purposes of the Act.

The rules made by the Central Government are required to be laid, as soon as they are made, before each House of Parliament.

Clause 38 of the Bill empowers the State Governments to make rules for carrying out the purposes of the Act.

The rules made by the State Governments are required to be laid, as soon as may be after they are made, before their respective State Legislatures.

The matters in respect of which rules may be made are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 63 OF 2014

A Bill to provide for certain welfare measures and other facilities for coconut growers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title. **1.** This Act may be called the Coconut Growers (Welfare) Act, 2014.

Definitions. **2.** In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government, and in other cases, the Central Government;

(b) “coconut” means coconut and its products including by-products and its extracts;

(c) “Committee” means Coconut Development Committee constituted under section 3;

(d) “prescribed” means prescribed by rules made under this Act; and

(e) “scheme” means Coconut Growers Welfare Scheme formulated under section 3.

3. (1) The Central Government shall formulate a scheme for the welfare of coconut growers to be known as the Coconut Growers Welfare Scheme.

Coconut
Growers
Welfare
Scheme.

(2) The scheme shall be administered by a Committee to be known as the Coconut Development Committee.

(3) The Committee shall consist of—

(i) a Chairperson, who shall be nominated by the Central Government;

(ii) two members, representing the Governments of coconut growing States, to be nominated by the Central Government;

(iii) two members representing coconut agriculturists who are growing coconut on large scale; and

(iv) two members representing small coconut growers.

(4) The Chairperson and members of the Committee shall be nominated by the Central Government in such manner as may be prescribed.

(5) The salary and allowances payable to, and other conditions of service of the Chairperson and members of the Committee, shall be such as may be prescribed.

4. Without prejudice to the powers of the Central Government, the scheme shall include:—

Provisions to
be made under
the scheme.

(i) framing of a comprehensive insurance scheme for loss or destruction of coconuts;

(ii) providing technical and other kinds of specialized assistance to coconut growers;

(iii) fixing minimum support price for coconuts;

(iv) creation of adequate procurement and storage facility for coconuts;

(v) providing assistance for export of coconuts and its products;

(vi) encouraging research in coconut related fields with a view to promote it as a healthy edible item;

(vii) provision of adequate marketing facilities for coconut growers; and

(viii) provision of electricity and water facilities to coconut growers at subsidized rate.

5. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide adequate funds for the purposes of this Act.

Central
Government
to provide
funds.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to
make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Coconut is an important item in our daily life. It is not only used as an important food item but also used as offering in temples. It is regarded as a religious symbol also. Coconut and its by-products like coconut oil, coconut water are used in large quantities for various purposes. But unfortunately, there are no adequate facilities for coconut growers. Coconut is grown only in few States in our country and also in very few other countries of the world.

As such, there is adequate export potential for coconut which would earn us considerable foreign exchange. Coconut oil has a number of uses including preparation of certain medicines. The coconut based industries are suffering from numerous problems including problems relating to its storage, marketing, procurement and export.

The Bill seeks to overcome the problems mentioned above.

Hence this Bill.

NEW DELHI;
June 30, 2014.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the formulation of a welfare scheme for coconut growers. It also provides for the constitution of a Committee to administer the scheme. Clause 4 provides for the activities to be undertaken under the scheme. Clause 5 provides that the Central Government shall provide adequate funds for the purposes of this Act. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crore per annum.

A non-recurring expenditure of about rupees eight crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 76 OF 2014

A Bill to provide for payment of compensation to persons attacked by wild animals and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Payment of Compensation to Persons Attacked by Wild Animals Act, 2014. Short title and extent.

(2) It extends to the whole of India.

2. In this Act, ‘wild animal’ has the same meaning as assigned to it in the Wild Life Protection Act, 1972. Definitions.

Central Government to frame a scheme for compensation to persons attacked by wild animals.

3. (1) The Central Government shall frame a Scheme for payment of compensation to persons attacked by wild animals.

(2) Without prejudice to the generality of the foregoing provision, the scheme shall include:—

(i) payment of compensation of rupees two lakh in case of death caused by a wild animal;

(ii) payment of compensation of rupees fifty thousand in case of an injury caused by a wild animal;

(iii) an insurance scheme for persons residing near areas generally inhabited or frequented by wild animals; and

(iv) compensation in case of damage or loss to property or crops due to attack by wild animals.

(3) The Central Government may, by notification in the Official Gazette, make rules for payment of compensation to the persons attacked by wild animals.

Compensation not payable in certain circumstances.

4. Notwithstanding anything contained in section 3, no compensation shall be payable to a person attacked by wild animal under the following circumstances:—

(i) if he has gone to a forest area or an area generally inhabited or frequented by wild animals for the purpose of hunting or capturing the wild animals alive;

(ii) if he has attacked a wild animal except under the circumstance of self-defence;

(iii) if he has strayed into an area which is exclusively specified for wild animals; and

(iv) if he commits any act which would result in hunting or torturing or leading to cruelty to or exploiting a wild animal.

Administration of the Scheme.

5. The Scheme shall be administered by such authority, not lower in rank than the District Collector, as may be specified by the Central Government.

Act to have overriding effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In the recent days, there have been several cases of attacks by wild animals on innocent persons resulting in death or serious injury to those persons. There have also been instances when property and crops were damaged by wild animals.

It has also been seen that the victims of attack by wild animals are mostly poor people. After such attacks, it often happens that they either die or suffer from permanent disability. In either case, their dependants have to fight for their survival. At present there is no provision for payment of compensation to the persons attacked by wild animals. There is a provision for punishment for cruelty to wild animals but there is no provision for compensation if wild animals attack innocent persons.

Therefore, a provision, with due safeguards, has been made for payment of compensation to persons attacked by wild animals.

NEW DELHI;
June 30, 2014.

M. K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a Scheme for payment of compensation to the persons attacked by wild animals. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 64 OF 2014

A Bill to provide for the establishment of a permanent Bench of the High Court of Kerala at Kozhikode.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Kerala (Establishment of a permanent Bench at Kozhikode) Act, 2014.

Establishment of a permanent Bench of the High Court of Kerala at Kozhikode.

2. There shall be established a permanent Bench of the High Court of Kerala at Kozhikode and such Judges of the High Court of Kerala, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Kozhikode in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Kasaragod, Kannur, Wayanadu, Kozhikode, Malappuram and Palakkad.

STATEMENT OF OBJECTS AND REASONS

The High Court of Kerala is located at Ernakulam. Kerala, being a vast State, people have to travel long distances with a lot of inconveniences in order to reach the High Court at Ernakulam to pursue their cases. This is a time consuming and costly exercise. For long, there has been a demand from the people of the State that a Bench of the High Court be established at Kozhikode which is a very important city in the State of Kerala.

If a permanent Bench of the Kerala High Court is established at Kozhikode, it would greatly help not only the people living in Kasaragod, Kannur, Wayanadu, Kozhikode, Malappuram and Palakkad districts to pursue their cases in the High Court at significantly low cost but also the advocates based in and around the city of Kozhikode.

Hence this Bill.

NEW DELHI;
June 30, 2014.

M.K. RAGHAVAN

BILL NO. 84 OF 2014

A Bill to provide for payment of compensation to victims of natural calamities and snake bite and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Payment of Compensation to Victims of Natural Calamities and Snake Bite Act, 2014.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “natural calamity” includes flood, lightning, thunder, tsunami, storm, hail storm, dust storm, cyclone, cloud burst, high sea tide, drought, landslide, earthquake;

(b) “victim of natural calamity” means a person who suffers bodily harm or loss by way of damage or destruction of property, including livestock, crop, orchard, field, machine or tools to such an extent as the Central Government may, by notification specify, and shall include in the case of death of such victim, his family members; and

(c) “victim of snake bite” means a person who suffers bodily harm to such an extent as the Central Government may, by notification specify, by the bite of a venomous snake, and shall include in the case of death of such victim, his family members.

3. (1) The Central Government shall frame a scheme for determining the amount of compensation to be paid to the victims of natural calamities and the victims of snake bite.

Scheme for compensation to victims of natural calamities and snake bite.

(2) Without prejudice to the generality of the foregoing provision, the scheme shall provide for—

(i) payment of minimum compensation of rupees two lakh in case of death caused due to natural calamity or snake bite;

(ii) payment of minimum compensation of rupees fifty thousand in case of bodily harm caused due to natural calamity or snake bite; and

(iii) an insurance scheme for persons residing near areas which are prone to natural calamities or generally inhabited or frequented by venomous snakes.

4. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Act to have overriding effect.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There have been several cases of deaths due to natural calamities and bites by venomous snake. Such calamities lead to loss of lives and property. Of course, the occurrence of natural calamities cannot be anticipated and innocent persons suffer without any prior notice but miseries of the victims of natural calamities or snake bites could be minimized by enacting suitable laws. At present, there is no provision for compensation either for the victims of natural calamities or snake bites.

Therefore, the Bill makes provision of adequate compensation to the victims of natural calamities and snake bites.

NEW DELHI;
July 7, 2014.

M.K. RAGHAVAN

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a Scheme for payment of compensation to the victims of natural calamities and snake bites. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees three hundred crore per annum.

A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 59 OF 2014

A Bill to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2014.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in section 3, in sub-section (1),—

Amendment of section 3.

33 of 1989.

(a) in clause (ii), after the word "injury", the words "or grievous injury" shall be inserted; and

(b) after clause (xv), for the words "six months but which may extend to five years and with fine", the words "five years but which may extend to ten years and with fine" shall be substituted.

Insertion of
new section
3A.

3. In the principal Act, after section 3, the following new section shall be inserted, namely:—

Punishment for
rape or attempt
to rape.

"3A. Notwithstanding anything contained in the Indian Penal Code, 1860, 45 of 1860.
whoever, commits or attempts to commit rape on a woman belonging to the Scheduled
Caste or the Scheduled Tribe shall be punished with life imprisonment."

STATEMENT OF OBJECTS AND REASONS

There has been a sharp rise in the offences committed against persons belonging to the Scheduled Castes and the Scheduled Tribes. In particular, the incidents of offences against women belonging to these communities are becoming order of the day across the country. A large number of cases of grave and serious nature like outraging of modesty, attempt to rape or rape of women belonging to the Scheduled Castes or the Scheduled Tribes go unreported as these women are vulnerable and hardly dare to report such cases. Even in the cases where the offences have been reported, the perpetrators of such crimes go unpunished for several reasons. It is, therefore, necessary to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 to make penal provisions more stringent for offences of atrocities against persons belonging to the Scheduled Castes or the Scheduled Tribes committed under section 3 of the Act. The Bill also proposes to provide life imprisonment in case a person commits rape or attempts to commit rape on a woman belonging to the Scheduled Castes or the Scheduled Tribes.

Hence this Bill.

NEW DELHI;
June 27, 2014.

KIRIT PREMJI BHAI SOLANKI

BILL NO. 61 OF 2014

A Bill to provide for regulation of surrogacy and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Surrogacy (Regulation) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "assisted reproductive technology" means techniques that attempt to obtain a pregnancy by handling or manipulating the sperm or the oocyte outside the human body, and transferring the gamete or the embryo into the reproductive tract;

(b) "assisted reproductive technology clinic" means any premises used for procedures related to assisted reproductive technology;

(c) "child" means a child born through the use of assisted reproductive technology;

(d) "couple" means two persons living together and having a sexual relationship that is legal in India;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "surrogacy" means an arrangement in which a woman agrees to a pregnancy, achieved through assisted reproductive technology, in which neither of the gametes belong to her or her husband, with the intention to carry it and hand over the child to the person or persons for whom she is acting as a surrogate; and

(g) "surrogacy agreement" means a contract between the person availing the assisted reproductive technology and the surrogate mother.

3. (1) The Central Government shall, in consultation with the State Governments, establish a Board to be known as the National Board for Regulation of Surrogacy (hereinafter referred to as the National Board) to exercise such powers and discharge such functions and duties conferred or imposed on the Board by or under this Act.

Establishment
of National
Board for
Regulation of
Surrogacy.

(2) The National Board shall consist of—

(i) the Secretary to the Government of India, in-charge of the Department of Health Research; *Chairperson, ex-officio;*

(ii) one person each representing,— *Members; and*

(a) the Ministry of Health and Family Welfare; and

(b) the Indian Council of Medical Research.

(iii) ten women representatives who shall have special knowledge or practical experience in the field of assisted reproduction, gynaecology, embryology, andrology, bioethics, mammalian reproduction, medical genetics, social science, law or human rights, to be nominated by the Central Government in such manner as may be prescribed. *Members*

(3) The National Board shall meet as and when necessary, and at such place as the Chairperson of the National Board may think fit.

(4) The National Board shall establish its offices in every district.

(5) The salary and allowances payable to, and other terms and conditions of service of the Chairperson and other members of the Board shall be such as may be prescribed.

(6) The Central Government shall provide to the Board such number of officers and staff, as is necessary for the efficient functioning of the Board.

4. The National Board shall—

Functions of
National Board.

(i) lay minimum requirements related to staff and physical infrastructure for various categories of assisted reproductive clinics;

(ii) lay regulation in respect of permissible assisted reproductive technology procedure;

(iii) lay regulation in respect of selection of patients for assisted reproductive technology procedure;

(iv) encourage and promote research in the field of assisted reproductive technology;

(v) issue guidelines for counselling and providing patients with all necessary information and advice on various aspects of surrogacy and assisted reproductive technology procedures;

(vi) maintain national database in respect of infertility;

(vii) prescribe *proforma* for obtaining information from donor of gametes and surrogate mothers, consent forms for various procedure, and contracts or agreements between parties involved in surrogacy; and

(viii) frame policies, from time to time, on surrogacy and assisted reproductive technology procedures.

Assisted reproductive technology clinics to apply for registration to the National Board.

5. (1) Every assisted reproductive technology clinic shall, within such period and in such form and manner as may be prescribed, apply for registration to the office of the National Board established in the district.

(2) The National Board may, subject to such terms and conditions as may be prescribed, register any assisted reproductive technology clinic on the basis of the techniques, procedures and assisted reproductive technology practiced, including surrogacy procedures, at such clinic.

(3) The surrogacy procedures referred to in sub-section (2) includes—

(a) infertility treatment, including Intra-Uterine Insemination (IUI), Artificial Insemination with Husband's semen (AIH), and Artificial Insemination using Donor Semen (AID), involving the use of donated or collected gametes;

(b) infertility treatment involving the use and creation of embryos outside the human body;

(c) processing or storage of embryos; and

(d) research.

(4) No assisted reproductive technology clinic performing any of the functions under sub-section (2) or any other advanced diagnostic, therapeutic or research functions, shall practice any aspect of such diagnosis, therapy or research without obtaining a Registration Certificate from the office of the National Board.

(5) Every assisted reproductive technology clinic registered under this Act shall be deemed to have satisfied the provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, and shall not be required to seek a separate registration under that Act.

57 of 1994.

(6) Every assisted reproductive technology clinic shall forward every month to the office of the National Board in the district the details of services provided to every patient for surrogacy purpose, in such form, as may be prescribed.

Procedure regarding persons seeking use of assisted reproductive technology.

6. Any couple who intends to seek surrogacy through the use of assisted reproductive technology shall—

(i) inform the office of the National Board in the district about assisted reproductive technology clinic where he intends to seek surrogacy through the use of assisted reproductive technology;

(ii) declare about the woman who has agreed to act as a surrogate mother or potential surrogate mother;

(iii) enter into an agreement with the woman who has agreed to act as a surrogate mother and who is otherwise eligible to enter into an agreement for the purpose of surrogacy;

(iv) bear all expenditure incurred on medical tests and treatment, food, health insurance, compensation and other requirements of the surrogate mother from the date of agreement, during the period of pregnancy and after delivery as per medical advice and till the child is ready to be delivered as per medical advice, to the biological parents.

7. (1) Notwithstanding anything contained in section 3, and subject to the surrogacy agreement, every woman seeking to or agreeing to act as a surrogate mother,—

(i) may also receive monetary compensation from the couple for agreeing to act as surrogate mother;

(ii) shall be medically tested for all communicable diseases including sexually transmitted disease; and

(iii) shall be declared medically fit to act as a surrogate mother by the assisted reproductive technology clinic where she intends to take medical treatment for the purpose on the date she enters into an agreement to act as a surrogate mother.

(2) All expenditure to be incurred on medical tests under sub-section (1) shall be borne by the couple seeking surrogacy through the use of assisted reproductive technology.

8. Any married woman, who intends to act as a surrogate mother for a couple, shall be eligible to enter into an agreement for surrogacy, if she has—

(i) attained the age of 21 years but is not above the age of 35 years;

(ii) procreated not less than two children from her marriage; and

(iii) obtained consent of her spouse for acting as a surrogate mother.

9. No woman shall act as a surrogate for more than four live births in her life, including her own children.

10. A surrogate mother shall, in respect of all medical treatments or procedures in relation to the concerned child, register at the hospital or such medical facility in her own name, clearly declare herself to be a surrogate mother and provide name or names and addresses of the persons, as the case may be, for whom she is acting as a surrogate.

11. A surrogate mother shall relinquish all parental rights over the child.

12. A child born to a woman through surrogacy may, upon reaching the age of eighteen years, ask for any information, excluding personal identification about his/her genetic parent or parents or surrogate mother.

13. Any foreign couple, not resident of India, seeking surrogacy in India shall—

(i) appoint a local guardian who shall be legally responsible for taking care of the surrogate during and after pregnancy of such woman;

(ii) pay premium for insurance cover to the surrogate mother and the child she delivers until the time the child is handed over to the commissioning

Provisions of surrogacy agreement and medical tests of woman seeking to act as a surrogate mother.

Eligibility conditions for women to be surrogate mother.

No woman to act a surrogate for more than four live births in her life.

Surrogate mother to register at the hospital.

Surrogate mother to relinquish all parental rights over the child.

Right of child to seek information excluding personal information about his genetic parent or parents or surrogate mother.

Procedure regarding foreign couples seeking surrogacy in India.

parents or any other person as per agreement and till the surrogate mother is free of all health complications arising out of surrogacy.

(iii) produce a letter from either the embassy of the country in India or from the Foreign Ministry of that country clearly stating—

(a) the country of foreign couple permits surrogacy, and

(b) the child born through surrogacy in India will be permitted entry in the country as a biological child of the commissioning couple.

Act not in
derogation of
any other law.

14. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make
rules.

15. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

In recent years, the cases of child births through the use of advanced medical technologies in surrogacy have been increasing. Not only common people but also celebrities are taking recourse to assisted reproductive technologies to become parents. As the cost in our country is lower in comparison to other countries, even foreign couples are coming to India for this purpose. In view of ever larger number of people taking recourse to this new technology, a number of legal issues have arisen which needs urgent attention. Accordingly regulation of surrogacy is the need of the hour.

The primary concern in surrogacy cases is the plight of women who agree to act as surrogate mother. Mostly, such women are poor and belong to marginalized sections of society who easily agree to act as surrogate mother for monetary reasons. To protect such women and also to address certain legal and ethical issues concerning surrogacy, it is proposed to regulate functioning of such clinics to ensure that the services provided are ethical and the medical, social and legal rights of all concerned are protected.

Hence this Bill.

NEW DELHI;
June 27, 2014.

KIRIT PREMJBHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of a National Board for Regulation of Surrogacy. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one thousand crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 62 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Insertion of
new article
16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Employment
opportunity for
persons
belonging to
the Scheduled
Castes and the
Scheduled
Tribes in
Private Sector.

"16A. Nothing in this Constitution shall prevent the State from taking any step to encourage private sector to provide reservation in the matter of employment in private enterprises in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in such manner as the State may, by law, determine."

Explanation.—In this article, "private enterprise" means any private enterprise or organization whose annual turnover is not less than rupees twenty crore.

3. In article 335 of the Constitution, the words "consistently with the maintenance of efficiency of administration" shall be omitted.

Amendment of
article 335.

STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution felt that unless special provisions were made for the protection of the rights of Scheduled Castes and Scheduled Tribes to secure fair representation in public employment in proportion to their population, they would never be in a position to catch up and compete successfully for securing public employment. Therefore, to secure fair representation of Scheduled Castes and Scheduled Tribes in services and posts under the State, special provisions of reservation and other welfare measures under articles 15(4), 16(4), 16(4A), 16(4B), 46 and article 335 of the Constitution were made.

It has been observed that even after sixty-five years of independence and with the facilities of aforesaid provisions, the representation of the Scheduled Castes and the Scheduled Tribes in various Departments and Public Sector Undertakings of Government of India has not reached the prescribed level of reservation *i.e.*, 15 per cent. for Scheduled Castes and 7.5 per cent. for Scheduled Tribes. A substantial shortfall of Scheduled Castes in Group A and B category and Scheduled Tribes in almost all categories of posts can be noticed; the post-wise analysis has indicated that percentage of representation of these communities in higher posts is far below the requirement. The reservation for Scheduled Castes and Scheduled Tribes in services, though constitutionally guaranteed, has become a farce due to the frequent and unwarranted interference on the part of Administrators and Judiciary.

One of the main reasons for non-implementation of reservation policy effectively has been invented, by the persons in authority, in the provisions of article 335 wherein the words "consistently with the maintenance of efficiency of administration" have been read emphatically and eloquently than the article as a whole with a view to find a leeway for denial of reservation to the persons belonging to the Scheduled Castes and Scheduled Tribes in services and posts under the State. Such dubious interpretation of this lucidly worded article has obliterated and stolen the plain meaning of article 335 of the Constitution. Moreover, these words are no longer relevant at the time when suitable, efficient, eligible candidates with sound educational background are available from the Scheduled Castes and Scheduled Tribes categories. Now, these people want their full representation not only reservation in posts and services under the States. Therefore, these words should be omitted from the article 335 of the Constitution so that there is no scope of denying benefits to the Scheduled Castes and the Scheduled Tribes on this ground.

At present, job opportunities in Government sector are very limited due to increasing privatisation of services in each sector. Today, most of the job opportunities are available in private sector but there is no reservation policy in existence even though they are supposed to share and contribute in discharging their social responsibility. It may be seen that there is nothing private in the private sector because most of the players in private sector have availed loan up to ninety-five percentage of the cost of their establishment from the nationalised banks and financial institutions to carry out their business. Loan raised by them is public money which is being utilised for promoting private vested interests without performing any social responsibility. Therefore, it becomes imperative for the State to encourage private sector to provide reservation in favour of persons belonging to the Scheduled Castes and Scheduled Tribes in order to fulfil their social obligation.

The Bill seeks to amend the Constitution with a view to:—

- (i) enable the State to take steps to encourage private sector to provide reservation in favour of persons belonging to the Scheduled Castes and Scheduled Tribes in their establishments; and
- (ii) omit the words 'consistently with the maintenance of efficiency of administration' from article 335 to remove any hindrance in the way for implementation of reservation policy effectively;

in order to safeguard the interests of persons belonging to the Scheduled Castes and Scheduled Tribes ensured in the various provisions of the Constitution and to secure them social justice and providing opportunities to have a reasonable share in the governance and administration of the country.

Hence this Bill.

NEW DELHI;
June 27, 2014.

KIRIT PREMJI BHAI SOLANKI

BILL NO. 60 OF 2014

A Bill to provide for control of sale and distribution of acids in order to prevent the acid attacks on human beings particularly women and girls and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title
and extent.

1. (1) This Act may be called the Acid (Control) Act, 2014.

(2) It extends to the Union territories only.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "acid" means any acidic solution, the sale and distribution of which is declared by the Central Government to be governed by or under the provisions of this Act;

(b) "dealer" means a person carrying on either personally or through any other person the business of selling any acid, whether wholesale or retail;

(c) "Controller" means the Controller of Acids appointed by the Central Government under section 4; and

(d) "prescribed" means prescribed by rules made under this Act.

3. (1) The Central Government shall, by notification in the Official Gazette, publish a list of acids to which the provisions of this Act shall apply.

Central Government to publish list of acids.

(2) The Central Government may, at any point in time, amend the list published under sub-section (1).

4. (1) The Central Government shall, by notification in the Official Gazette, appoint a Controller of Acids to control and regulate the sale and distribution of acids in such manner as may be prescribed.

Appointment of Controller of Acids.

(2) Without prejudice to the generality of the provisions contained in sub-section (1), the Controller shall be empowered to,—

(a) ban the retail sale of acid to specified persons;

(b) prescribe compulsory licences for dealers authorised to sell acid in retail;

(c) ensure that the dealers, who sell acids, shall record the sale transactions in such manner as may be prescribed.

(3) The Controller shall be assisted by such number of officers, inspectors and employees as may be prescribed.

(4) The salary, allowances payable to and the terms and conditions of service of the officers and employees shall be such as may be prescribed.

5. Subject to provisions of section 6, no person other than the authorised dealers shall sell or possess any acid.

Authorised dealers to sell acid.

6. The Controller may, by notification, exempt any *bonafide* industrial or academic user from the provisions of this Act.

Exemptions on use of acids.

7. (1) Whoever contravenes any of the provisions of this Act or fails to comply with any direction made under authority conferred by this Act shall be punished with imprisonment for a term which may extend to three years, or with fine, which may extend to fifty thousand rupees or with both.

Penalties.

(2) The Court may, at any stage of trial, order that the whole or any part of the stock of acids in respect of which the offence was committed be forfeited to the Government and the establishment from which the stock was released be sealed.

8. Where a person committing an offence punishable under this Act is a company or an association or a body of persons, whether incorporated or not, every director, manager, secretary, agent or other officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent its commission, be deemed to be guilty of such offence.

Offences by corporations.

9. In all trials for offences under this Act, the magistrate shall follow the procedure prescribed in the Code of Criminal Procedure, 1973 for the trial of summary cases.

Offences to be tried summarily.

10. In trials of offences under this Act, it shall be presumed, unless and until the contrary is proved, that the accused has committed an offence under this Act in respect of any acid preparations for the possession of which he fails to account satisfactorily.

Presumption of possession.

Power of search and seizure.

11. Any person competent to investigate an offence under this Act may search any place in which he has reason to believe that an offence under this Act has been, or is being or is likely to be committed, and take possession of any stock of acid in respect of which the offence has been or is being committed and the provisions of the Code of Criminal Procedure, 1973, shall, so far as may be applicable, apply to any search or seizure under this Act as they apply to any search or seizure made under the authority of a warrant issued under that Code.

1 of 1974

Vexatious search and seizure.

12. (1) Any officer exercising powers under this Act or the rules made thereunder who—

(a) without reasonable ground for believing that it is necessary so to do, searches or causes to be searched any house, building or enclosed place or any vehicle, vessel or aircraft;

(b) vexatiously or unnecessarily seizes any acidic preparation;

(c) vexatiously or unnecessarily detains, searches or arrests any person; or

(d) commits, as such officer, any other act resulting in an injury to any person, without having any reason to believe that such act is required for the execution of his duty;

shall for every such offence be punished with fine which may extend to twenty thousand rupees.

(2) Any person who wilfully and maliciously gives false information so as to cause an arrest or a search to be made under this Act shall be punished with a fine which may extend to twenty thousand rupees, or with imprisonment for a term which may extend to one year, or with both.

Saving of other laws.

13. The provisions of this Act shall be in addition to, and not in derogation of, any other law for the time being in force regulating any of the matters dealt with in this Act.

Power to make rules.

14. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

During the past few years there is a sudden spurt in the incidents relating to acid attacks particularly on women in the country. Every year many women are killed, maimed, blinded or scarred for life by the acid attacks. The main and simple reason for increase in such incidents is the absence of any law in the country to regulate the sale of acids. As of now, anybody can walk down to the nearby store and purchase any amount of acid over the counter for less than twenty rupees. In many countries, including Bangladesh, there is an Acid Control Act which regulates the sale of acids and also the way it is produced, stored and transported. Unfortunately, in our country, the acid is carelessly allowed to become a deadly weapon. Once this weapon is used on any woman, the victim goes through a trauma throughout her life as even after many cosmetic surgeries and corrections the scar does not leave.

Besides, there is permanent scar on the mind of a woman reminding her of the gruesome incident throughout her life. There is a constant demand that a separate law should be in place to punish offenders of acid attacks but at the same time there is also a proposal that the focus of the remedial action should be on controlling the sale of acids, rather than punishing the perpetrators. It is, therefore, high time that a law on controlling the sale of acids should be framed and the violators should be severely punished. However, the *bona fide* users for industrial, research and academic purposes should be exempted from the purview of such law which shall be applicable to Union territories only in view of the jurisdiction of the respective Governments on the subject.

The Bill seeks to achieve the above objectives.

Hence this Bill.

NEW DELHI;
June 27, 2014.

KIRIT PREMJI BHAI SOLANKI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for appointment of Controller of Acids, Officers, Inspectors and other employees by the Central Government to control and regulate the sale and distribution of acids. It is estimated that an amount of rupees one hundred crore per annum would be involved from the Consolidated Fund of India as recurring expenditure.

It is also estimated that a non-recurring expenditure of rupees fifty crore will be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.66 OF 2014

A Bill to provide for the regulation of appointments on compassionate grounds in offices under the control of Central Government and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Government Services (Regulation of Compassionate Appointments) Act, 2014.

(2) It shall apply to the offices under the control of Central Government.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appointment on compassionate grounds" means any appointment to the Government service of a member of the family of a Government servant who dies while being in service;

(b) "Dependent Family Member" means

(i) spouse; or

(ii) son (including adopted son); or

(iii) daughter (including adopted daughter); or

(iv) brother or sister in the case of unmarried Government servant, who was wholly dependent on the Government servant at the time of his death in harness; or

(v) parents, if the Government servant was their only child;

(c) "Government" means the Central Government;

(d) "Government servant" means a person who was a Government servant at the time of his death but does not include a person 'who' was appointed on daily wage or casual or apprentice or on *ad hoc* basis or contract or re-employment basis;

(e) "Government service" means any service to any Ministry, organization, undertaking, autonomous body or society or any establishment for which funds are provided by the Central Government or where majority of shares are held by the Central Government; and

(f) "prescribed" means prescribed by rules made under this Act.

3. (1) Notwithstanding anything contained in any other law or rule or order or bye-law or notification or judgement or order of any Court, for the time being in force, the Central Government shall provide appointment on compassionate grounds to one dependent family member of a Government servant who dies in harness within a period of two months from the date of death of the Government servant in such manner as may be prescribed.

Appointment on compassionate grounds to be provided within two months from the date of death of a government servant.

(2) The appointment on compassionate grounds provided under sub-section (1) shall not be subject to any quota or ceiling prescribed for such appointments.

4. (1) The Central Government may prescribe such eligibility conditions and other guidelines for appointment on compassionate grounds, as it may think fit.

Central Government to prescribe guidelines.

(2) Without prejudice to the generality of the foregoing provision, such eligibility conditions shall also include,—

(i) that the dependent family member shall be living with the Government servant at the time of his death;

(ii) that the eligible family member makes an application for appointment on compassionate grounds; and

(iii) that the total income of the dependent family members shall not be more than rupees two lakh per annum.

5. (1) Subject to section 4, if no suitable employment is available on compassionate grounds in the organisation in which the Government servant was working at the time of his death, it shall be mandatory for the Government to provide employment in another organization in the Government, preferably in the same city in which the Government servant was residing at the time of his death.

Government to provide employment.

(2) If none of the family members is eligible for compassionate appointment, then the oldest member of the family who has not attained the age of fifty years shall be provided with employment after giving him suitable training necessary for the job.

Power to
make rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

When a Government servant dies in service, his immediate family is left uncared for. With the meagre pension benefits, the family will not be able to sustain in the present day when cost of living is going up consistently. Of course, there is a provision for providing employment to eligible dependent member of the immediate family of the Government servant on compassionate grounds. But it has been observed that the employment is refused on flimsy grounds or the family is made to run from pillar to post to get employment. Sometimes, employment is also refused on the ground that quota fixed for such appointments is already over or none of the family members was found eligible for appointment in Government service. Only in very few cases, compassionate employment is provided to immediate family members of the Government servants.

In order to mitigate the sufferings of the family members of the Government servant, the Bill seeks to provide for compulsory employment to dependent family members of the Government servant on compassionate grounds within a given time frame.

The Bill will go a long way in mitigating the sufferings of the family members of the Government servants. Moreover, the Supreme Court has, in a judgement, ordered that compassionate appointments can be mandatory but can only be given in certain circumstances. As a result, many of the families are suffering.

The Bill seeks to achieve the above objectives.

NEW DELHI;
June 27, 2014.

A. T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for appointment of dependent family members of the Government servant on compassionate grounds within a given time frame. The Bill also provides for suitable training to dependant family members in order to make them eligible for Government service. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum will be involved.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 78 OF 2014

A Bill to provide for the declaration and recognition of national assets and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Assets (Protection) Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Declaration
and protection
of National
Assets.

2. Notwithstanding anything contained in any other law for the time being in force, the following shall be recognized as National assets and protected as such:—

(i) Peacock—the National Bird;

- (ii) Lotus—the National Flower;
- (iii) Tiger—the National Animal;
- (iv) Ganga—the National River;
- (v) Cow and its progeny; and
- (vi) Yathartha Geeta—National Book.

3. Whoever,—

Punishment.

(i) causes any injury or kill or attempt to kill any animal or bird protected as National Assets under this Act; or

(ii) pollute or damage or causes to pollute or damage river Ganga in any manner;
or

(iii) mutilates, burns or shows disrespect to the National Book,

shall be punished with imprisonment for a term which shall not be less than five years and with fine which may extend upto rupees one lakh.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Since time immemorial, certain things in our country have been recognized as sacred and national assets. Steps have been taken by successive Governments to preserve and protect them and to give them their due place in events of national importance. Infact, the Project Tiger was started to protect the tiger from extinction, as tiger was considered as the national animal. The Ganga Action Plan was started to cleanse and protect river Ganga. Similarly, our national bird Peacock is on the verge of extinction, and therefore needs immediate steps to protect it. Moreover, replicas of Peacock, Lotus and Tiger are used in National events and functions to showcase our national pride in having them in our country. But cases of showing disrespect to these symbols of national pride by causing injury to them or killing them or damaging or by acts of polluting have increased. If we are to protect our national assets, we have to take stringent action to ensure its safety and preservation.

The Bill seeks to preserve and protect these national assets.

Hence this Bill.

NEW DELHI;
June 27, 2014.

A.T. NANA PATIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 65 OF 2014

A Bill to provide for the welfare of agricultural workers and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Agricultural Workers Welfare Act, 2014.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "agricultural workers" means a person who follows one or more of the following agricultural occupations in the capacity of labourer on hire or in exchange whether in cash or in kind or partly in cash and partly in kind:—

(i) farming, including the cultivation and tillage of soil;

(ii) dairy farming;

(iii) pisciculture;

(iv) production, cultivation, growing and harvesting of any horticulture, floriculture commodity;

(v) raising of livestock, bee-keeping or poultry;

(vi) any practice performed on a farm as incidental to, or in conjunction with, the farm operations (including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products); and

(vii) growing fodder or thatching grass or for grazing cattle;

(b) "appropriate Government" means in the case of a State, the State Government, and in all other cases, the Central Government; and

(c) "prescribed" means prescribed by rules made under this Act.

Formulation
of a scheme
for the welfare
of agricultural
workers.

3. (1) As soon as may be, but not later than one year from the commencement of this Act, the Central Government shall, in consultation with the State Governments, formulate a scheme for the welfare of agricultural workers.

(2) Without prejudice to the generality of the foregoing provision, the scheme shall provide for the agricultural workers,—

(i) a comprehensive insurance scheme;

(ii) old age pension;

(iii) free health care facilities; and

(iv) payment of compensation in cases of accident during agricultural operations.

Implementation
of the scheme.

4. The appropriate Government shall take steps to implement the schemes formulated under section 3 in such manner and within such time as may be prescribed.

Constitution
of Agricultural
Workers
Welfare Fund.

5. (1) The Central Government shall constitute a Fund to be known as the Agricultural Workers Welfare Fund to which the Central Government and the State Governments shall contribute in such ratio as may be prescribed.

(2) The Fund constituted under sub-section (1) shall be utilized to give effect to the provisions of this Act.

Power to make
rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The economy of our country depends, to a considerable extent, upon agriculture. More than Sixty-five per cent of the population in the country is directly or indirectly engaged in agriculture. Lakhs of workers are involved in agricultural operations. But their role as key contributors in the national economy has never been given due importance. They live in miserable conditions. They are not even paid the minimum wages which they are entitled to get. They do not have any access to health care, pension and other such benefits.

The miserable living conditions of the agricultural workers largely go unnoticed as they are in unorganized sector and they do not have any forum to vent their grievances. They have been a neglected lot.

Therefore, it is proposed in the Bill to formulate a scheme for the welfare of agricultural workers.

NEW DELHI;
June 27, 2014.

A.T. NANA PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for formulation of a scheme for the welfare of agricultural workers. Clause 4 provides for implementation of the scheme for the welfare of agricultural workers. Clause 5 provides for constitution of an Agricultural Workers Welfare Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees ten thousand crore per annum will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 77 OF 2014

A Bill further to amend the Ancient Monuments and Archaeological Sites and Remains Act, 1958.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Ancient Monuments and Archaeological Sites and Remains (Amendment) Act, 2014.

(2) It shall come into force at once.

Amendment
of section
20A.

2. In section 20A of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (hereinafter referred to as the principal Act), in sub-section (1),—

24 of 1958.

(i) for the words "one hundred meters", the words "fifty meters" shall be substituted; and

(ii) the proviso shall be omitted.

- 3.** In section 20B of the principal Act,—
- (i) for the words "two hundred meters", the words "one hundred meters" shall be substituted; and
- (ii) the first proviso shall be omitted.
- 4.** In section 20C of the principal Act, in sub-section (1), for the words, "before the 16th day of June, 1992", the words, "on the date of coming into force of the Ancient Monuments and Archaeological Sites and Remains (Amendment and Validation) Act, 2010," shall be substituted.
- 5.** In section 20-I of the principal Act, in sub-section (1), after clause (b), the following clause shall be inserted, namely:—
- "(ba) prepare plans for beautification, renovation and development of ancient monuments and archaeological sites and upgradation and creation of infrastructural facilities in and around the ancient monuments and archaeological sites."
- 6.** After section 20Q of the principal Act, the following section shall be inserted, namely:—
- "20R. The Central Government shall make available adequate funds for development of all monuments and archaeological sites and for creation and upgradation of infrastructure at such sites, as recommended by the Authority under clause (ba) of sub-section (1) of section 20-I".
- Amendment of section 20B.
- Amendment of section 20C.
- Amendment of section 20-I.
- Insertion of new section 20R.
- Central Government to provide funds for development of all monuments and archaeological sites.

STATEMENT OF OBJECTS AND REASONS

The Ancient Monuments and Archaeological Sites and Remains Act, 1958 was amended in 2010 which came as a shock to thousands of people owning properties near monuments and sites covered under the Act. With the coming into force of the Act, thousands of people can no longer construct or repair or renovate their properties because of the restriction imposed by the Act on any such activity within the stipulated distance from the monuments.

Several public projects have come to standstill or have been disallowed due to restrictions imposed under the Act. On the one hand people are suffering because they are not allowed to undertake any construction activity and on the other hand public works have been stalled.

There are thousands of monuments in our country which are lying in a dilapidated condition. They are misused by anti-social elements for illegal activities. A situation has arisen that these monuments are neither improved nor used for any purpose nor any construction activity is allowed near the monuments. It is accordingly proposed to renovate/upgrade facilities in these sites so as to exploit their tourism potential. The Bill seeks to amend the Act, with a view to relax the restrictions imposed under the Act so as to mitigate the difficulties faced by the people.

Hence this Bill.

NEW DELHI;
June 27, 2014.

A.T. NANAPATIL

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides that the Central Government shall make available adequate funds for preparing plan for beautification, renovation, development, upgradation, creation of infrastructural facilities in and around ancient monuments and archaeological sites. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees five thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

BILL NO. 89 OF 2014

A Bill to provide financial assistance to the State Governments for protection of water bodies.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Financial Assistance to the State Governments (for Protection of Water Bodies) Act, 2014.

Short title,
extent and
commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "aquatic eco-system" means all organic and inorganic matter and all living organisms living in or located in or on water or the beds or shores of a water body;

(ii) "drain" included gutters, waste water canals, sewers and all outlets or flow of waste water including overflow of rain water;

(iii) "groundwater" means all water under the surface of the ground, whether in solid or liquid form;

(iv) "water" means all surface water and ground water, whether in solid or liquid form; and

(v) "water body" means anybody of flowing or standing water, whether natural or artificial and whether the flow or presence of water is continuous, intermittent or occurs only during a flood, including but not limited to a lake, river, creek, stream, tank, well, pond and wetland.

State Governments to inform the Central Government.

3. Every State Government shall inform the Central Government—

(i) about the existence of water bodies in the respective State; and

(ii) requirement of financial assistance to protect the water bodies in the State.

Power of State Governments to make regulations.

4. Every State Government shall, before informing the Central Government under section 3, make the regulation for the purpose of—

(a) designating any area as a water quality control zone for the purpose of protecting water, aquatic eco-system or drinking water source;

(b) governing, regulating or prohibiting any use or activity in a water quality control zone or any part of a zone;

(c) improving the drainage and sewerage system;

(d) ensuring clear separation between sewerage/waste water and sources of clean water to avoid contamination; and

(e) ensuring quick absorption or clear flow of rain water for conservation.

State Government to consider the scientific, intrinsic and other information relating to water bodies.

5. Every State Government shall, before informing to the Central Government under section 3, take into consideration the scientific, intrinsic and other information relating to—

(a) the physical characteristics of land in the area, including its topography and soil types;

(b) the ability of the soil or water in the area to assimilate nutrients and other pollutants;

(c) water bodies or groundwater in the area, including information relating to—

(i) the quality characteristics of the water;

(ii) the susceptibility of the water to contamination or adverse changes in level; and

(iii) the extent to which the water is undisturbed by human activity;

(d) the area's aquatic eco-systems;

(e) whether the area contains a source or a potential source, of drinking water;

(f) whether the area supports species that are sensitive to alterations in water quality or quantity resulting from human activity;

(g) whether the area provides habitat for endangered species; and

(h) the perception of farmers and native inhabitants of the area regarding quality, quantity and prospects of water in a particular zone including—

(i) the possibilities of flood and/or water logging; and

(ii) any other matter which the Government considers relevant.

6. The Central Government shall render scientific and technical advice and assistance to State Governments if so required to achieve the purposes of this Act.

Central Government to render scientific and technical advice.

7. (1) The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide financial assistance to every State Government for protection of water bodies and for promotion of rain harvesting and watershed management programmes.

Central Government to provide financial assistance to State Governments.

(2) The Central Government before releasing the money shall ensure that State Government has complied with the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Water is the most valuable natural resource of a country. However, the scarcity and supply of clean water is a major concern for the sustenance of human, animal, plant and ecology. The protection of water resources/water bodies available in the country is an endless-task to be completed by the Government. The major constraint in this regard is the lack of financial resources available with the States.

The Bill, therefore, seeks to provide financial assistance to the State Governments for the protection of water bodies and promotion of rain harvesting and watershed management programmes.

Hence this Bill.

NEW DELHI;
June 30, 2014.

MULLAPPALLY RAMACHANDRAN

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for rendering of scientific and technical advice and assistance to the State Governments. Clause 7 provides for financial assistance to every State Governments for protection of water bodies, etc.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees one thousand crore may be involved as recurring expenditure per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

BILL NO. 87 OF 2014

A Bill to provide for conducting yearly demand and supply survey of labour force across various sectors of economy in order to provide demand and supply estimates of employment and bridge the gap between demand and supply of labour force for effective performance of the economy.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Labour Force (Demand and Supply Survey) Act, 2014. Short title,
extent and
commencement.
(2) It extends to the whole of India.
(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—
(a) "Committee" means the Advisory Committee constituted under section 3;
(b) "Fund" means the Labour Survey Fund constituted under section 5; Definitions.

(c) "labour force" includes workers employed or employable or seeking employment in organised or unorganised sector; and

(d) "prescribed" means prescribed by rules made under this Act.

Constitution
of Advisory
Committee.

3. (1) The Central Government shall, in consultation with the State Governments, constitute an Advisory Committee to conduct yearly survey of demand and supply of labour force.

(2) The Committee shall consist of a Chairperson and such number of members including experts, as may be prescribed, to be appointed by the Central Government.

(3) The salary and allowances payable to, and other conditions of service of the Chairperson and members of the Committee, shall be such as may be prescribed.

(4) The Committee shall have its headquarters at Delhi and may establish its regional office in every district.

(5) The Central Government shall provide such number of officers and staff, as may be necessary for the efficient functioning of the Committee.

Functions of
the
Committee.

4. The Committee shall—

(i) collect and maintain yearly information on demand and supply of labour force through survey across various sectors of economy;

(ii) maintain a consolidated report of demand and supply mismatch by dividing the working-age group population into three mutually exclusively categories, namely, demand, supply and requirement;

(iii) in consultation with the State Governments, conduct demographic analysis of labour market and suggest measures to bridge the gap between demand and supply of labour force mismatch in different sectors of economy;

(iv) submit periodical reports, in such form and manner, as may be specified by the Central Government; and

(v) carry out such other tasks as may be assigned by the Central Government for the purposes of this Act.

Constitution of
Labour Survey
Fund.

5. (1) The Central Government shall constitute a Fund to be known as the Labour Survey Fund.

(2) The Fund shall be administered by the Chairperson of the Committee.

(3) The Fund shall be utilized by the Chairperson of the Committee to meet the expenditure in connection with any work relating to yearly surveys under this Act.

Central
Government
to provide
funds.

6. The Central Government shall, after due appropriation made by Parliament by law in this behalf, provide such sums to the Labour Survey Fund as may be necessary for carrying out the purposes of this Act.

Power to make
to rules.

7. (1) The Central Government may, by notification in Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament or, as the case may be, each House of the State Legislature, while it is in session, for a total period of thirty days which may be comprised in one session or two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, Parliament or, as the case may be, the State Legislature agrees in making any modification in the rule or agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Due to globalization and technological progress, there has been a considerable growth in demand for labour with higher skills whereas the supply has not grown correspondingly.

Therefore, projections on demand and supply of labour force require conducting of a detailed survey from time to time to identify emerging trend of demand and supply in labour market.

The demand and supply of labour force study also helps to know about how jobs are changing and what knowledge, skills, educational qualifications and competence are required to be developed to meet the need of labour market.

There is also a need to have a clearer idea of how supply and demand of labour force can match. This information is crucial to understand if there is a mismatch between skills possessed by workers and skills required by the employers.

Therefore, it is proposed to conduct a yearly survey on demand and supply of labour force in order to match the dynamics of the labour market.

Hence this Bill.

NEW DELHI;
June 30, 2014.

RAJIV PRATAPRUDY

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of an Advisory Committee to conduct yearly survey on demand and supply of labour force in various sectors. Clause 5 provides for constitution of a Labour Survey Fund to meet expenditure in connection with any work relating to yearly surveys. Clause 6 provides for supply of funds to the Labour Survey Fund by the Central Government. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about one hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees five hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purpose of the Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

BILL NO. 90 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2014.

Amendment of
the Eighth
Schedule.

2. In the Eighth Schedule to the Constitution,—

(i) existing entries 3 to 9 shall be renumbered as entries 4 to 10, respectively, and before entry 4 as so renumbered, the following entry shall be inserted, namely:—

“3. Bhojpuri.”;

(ii) after entry 10 as so renumbered, the following entry shall be inserted, namely:—

“11. Magahi.”;

(iii) entries 10 to 16 shall be renumbered as entries 12 to 18, respectively, and after entry 18 as so renumbered, the following entry shall be inserted, namely:—

“19. Rajasthani.”

(iv) entries 17 to 22 shall be renumbered as entries 20 to 25, respectively.

STATEMENT OF OBJECTS AND REASONS

Language is not only a medium of communication, but also a sign of respect. Language also reflects on the history, culture, people, system of governance, ecology, politics, etc.

‘Bhojpuri’ language is also known as Bhozpuri, Bihari, Deswali and Khotla and is a member of the Bihari group of the Indo-Aryan branch of the Indo-European language family and is closely related to Magahi and Maithili languages.

Bhojpuri language is spoken in many parts of north-central and eastern regions of this country. It is particularly spoken in the western part of the State of Bihar, north-western part of Jharkhand and the *Purvanchal* region of Uttar Pradesh. Many Bhojpuri magazines and newspapers are published in the States of Bihar and Uttar Pradesh. Bhojpuri language is spoken by over 40 million people in the country. As per the Census 2001, the figure shows that a total of 3,30,99,497 persons in the country have written Bhojpuri as their Mother Tongue.

The history of Bhojpuri language dates back to 7th century. Due to a long history of emigration from the Bhojpuri regions, this language has spread over all continents of the world. It is also one of the national languages of Fiji spoken as ‘Fiji Hindi’.

Bhojpuri culture is popular even in countries like Nepal, Mauritius, Sri Lanka, Thailand, England and Greece. In about twenty countries across the world, fifteen to sixty-five per cent. of the population is Bhojpuri speaking. In Nepal, Bhojpuri is spoken by over two million people. Bhojpuri is also spoken by over four lakh people in Mauritius.

Variants of Bhojpuri are spoken by descendants of Bhojpuri-speaking plantation workers in several countries like Guyana, Suriname, Fiji, Trinidad and Tobago.

In addition to Bhojpuri, ‘Magahi’ is one of the prominent language spoken by millions in the eastern part of India specially in various districts of the States of Bihar, Jharkhand, Odisha and West Bengal. The language carries the rich cultural heritage and traditions of the people residing in these areas.

Rajasthani is another prominent language having rich traditions spoken widely in the States of Rajasthan, Madhya Pradesh, Haryana, Gujarat and Punjab. Around thirty-five million people speak this language in the State of Rajasthan alone. Efforts have been made by the eminent scholars to get this language the recognition which it deserves. However, the language has not yet got the due recognition.

In view of above, in order to promote, integrate and empower Bhojpuri, Magahi and Rajasthani languages and to protect the culture and traditions of the speakers of these languages and also taking into consideration of these languages, which are spoken by millions of people, it is necessary that these languages be given their due recognition by including them in the Eighth Schedule to the Constitution.

NEW DELHI;
June 30, 2014.

RAJIV PRATAPRUDY

BILL NO. 86 OF 2014

A Bill further to amend the Electricity Act, 2003.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and
commencement.**1.** (1) This Act may be called the Electricity (Amendment) Act, 2014.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of
new section for
section 4.**2.** For section 4 of the Electricity Act, 2003 (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

36 of 2003.

National Policy
on stand alone
systems for rural
areas and non-
conventional
energy systems.**"4.** (1) The Central Government shall, after consultation with the State Governments, prepare and notify a national policy, permitting stand alone systems (including those based on renewable sources of energy and other non-conventional sources of energy) for rural areas within six months from the date of coming into force of this Act.

(2) The Central Government and the concerned State Governments shall jointly create necessary infrastructure in rural areas to harness solar power and other forms of renewable energy to ensure access to electricity to every rural household by the year 2020."

3. In section 6 of the principal Act, for the words "electrification of households" the words "electrification of households by the year 2020" shall be substituted. Amendment of section 6.

4. After section 6 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 6A.

"6A. (1) The Central Government shall, in consultation with the State Governments, as soon as possible but not later than six months from the date of coming into force of this Act, prepare and notify a national policy aimed at encouraging the use of renewable sources of energy to ensure electrification in rural and urban areas. National policy on promotion of use of renewable sources of energy.

(2) The Central Government shall, by notification in the Official Gazette, constitute a Fund to—

(i) ensure availability of financial resources for the promotion and use of renewable sources of energy;

(ii) promote research and innovation in the use of renewable sources of energy;

(iii) provide incentives like subsidies or financial assistance to persons who opt for use of non-renewable energy; and

(iv) provide incentives for setting up of small scale industry based on solar energy.

(3) The Central Government shall, in consultation with the State Governments and the Appropriate Commission, set the target to be achieved by the States regarding use of renewable sources of energy in generation of electricity."

STATEMENT OF OBJECTS AND REASONS

The Electricity Act, 2003, seeks to provide, *inter alia*, for generation, transmission, distribution, trading and use of electricity to all areas. The Act was further amended in 2007 to give effect to certain changes that were considered necessary.

As per census 2011 figures, close to 45 per cent. of rural India lack access to electricity. Hence, it becomes essential to formulate a time bound dynamic national policy permitting stand along systems for the use of renewable sources of energy.

The census further indicates that 43 per cent. of India's rural households continue to depend on kerosene for lighting. The usage of kerosene for domestic heating and lighting leads to respiratory diseases and impaired eyesight. Therefore, in order to harness a clean, cost-effective and safe source of energy, necessary programmes are required to be framed and implemented in rural areas by the State Governments concerned.

Section 6 of the parent Act provides that the concerned State Governments and the Central Government shall jointly endeavour to provide access to electricity to all areas including villages and hamlets through rural electricity infrastructure and electrification of households. However, more than 33 per cent. of Indian households are still have no access to electricity. Moreover, even in cities, households suffer on account of shortage of power. Therefore, a time-frame to ensure that 400 million people get access to electricity and the mechanism adopted by the Central and the State Governments to resolve these issues is vital.

India is already the fourth largest energy consumer in the world. The Indian economy is fast growing. But, millions of households in the country still lack sufficient energy access. Increasing dependence on oil imports for meeting the country's rising energy needs is becoming a major concern for India's energy security. In light of the above factors, equal stress needs to be put on utilization of the renewable energy sources for generating power in the country. This requires substantial amount of scaling up of renewable energy systems, in addition to conventional systems to cater to needs of different economic and social segments.

Hence this Bill.

NEW DELHI;
June 30, 2014.

RAJIV PRATAPRUDY

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for creation of necessary infrastructure to harness solar power and other sources of renewable energy to ensure electrification to rural households by the year 2020. Clause 4 provides for preparation of a national policy aimed at encouraging the use of renewable sources of energy to ensure electrification in rural and urban areas and constitution of a Fund in this regard.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees ten thousand crore per annum.

A non-recurring expenditure of about rupees two thousand crore is also likely to be involved.

BILL NO.68 OF 2014

*A Bill to provide for effective measures for the prevention of cruelty to cows
and for matters connected therewith.*

WHEREAS cow is subjected to inhuman cruelty and atrocities resulting in law and order problems and breach of peace, alarming depletion in its population, decline in its growth rate and sharp reduction in cow-human ratio and consequent malnutrition, disease, disabledness, poverty, unemployment and pollution of agricultural products and environment, it is expedient in the interest of the nation to take effective steps to prevent cruelty to and killing of cows and its progeny by an effective legislation to give effect to the provisions of the Directive Principles of State Policy contained in articles 47, 48 and 48A of the Constitution.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Prevention of Cruelty to Cows Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "beef" means flesh of cow or its progeny in any form;

(b) "beef products" include extraction from beef;

(c) "cow" includes its progeny including bulls and bullocks;

(d) "export" means taking to a place outside India;

(e) "injury" means—

(i) torturing any cow so as to subject it to unnecessary pain or suffering or causing or permitting any cow to be so treated;

(ii) abandoning any cow in such circumstances which render it likely that it will suffer pain;

(iii) wilfully permitting any cow, by its owner to go at large in any street, while the cow is affected with any contagious or infectious disease or without reasonable excuse permit any diseased cow to die and includes killing of cow; and

(iv) practicing *phooka* or *doom dev* or injecting any substance in the body of the cow for improving lactation.

(f) "killing" means killing by any method whatsoever and includes inflicting physical injury which in ordinary course causes death; and

(g) "prescribed" means prescribed by rules made under this Act.

3. It shall be the duty of every person having the care or charge of any cow to take all reasonable measures to ensure that the contravention of the provisions of this Act does not take place.

Duty of persons having charges of cows.

4. (1) Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall cause any injury or kill or attempt to cause injury or kill for any purpose, whatsoever, any cow in any place to which this Act extends.

Killing or causing injury or cruelty to cow prohibited.

(2) Nothing in this section shall apply to,—

(a) the dehorning of cows; or

(b) the extermination and destruction of cows under the authority of any law for the time being in force and in the manner prescribed thereunder.

5. No person shall export a cow for the purpose of killing it either directly or through his agent or servant or by any other person acting on his behalf.

Restriction on export of cows.

6. Notwithstanding anything contained in any other law for the time being in force, no person shall possess or offer for sale or sell or transport beef or beef products in any form.

Prohibition on sale of beef.

7. (1) Whoever kills or attempts to kill or abets the killing of cow shall be deemed to be guilty of committing an offence punishable with rigorous imprisonment for a term which may extend to seven years but which shall not be less than two years and with fine which may extend to fifty thousand rupees on each cow.

Penalty.

(2) Whoever causes or attempts to cause or abets in causing injury to, other than killing of, cow shall be deemed to be guilty of committing an offence punishable with fine which may extend to ten thousand rupees.

(3) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of section 5 or section 6 shall be deemed to be guilty of committing an offence punishable with imprisonment for a term which may extend to five years and with fine which may extend to fifty thousand rupees.

8. The Central Government shall establish a Research and Development Institute for cow and its progeny.

Establishment of Research and Development Institute.

Act to have
overriding
effect.

9. The provisions of this Act shall override the provisions of the Prevention of Cruelty to Animals Act, 1960 or any other law for the time being in force to the extent of inconsistency. 59 of 1960.

Power to
make rules.

10. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Cow is subjected to inhuman cruelty resulting in decline in its growth rate and sharp reduction in cow-human ratio. It is in the interest of the nation to take effective steps to prevent cruelty to cows including killing of cows, which is the most extreme form of cruelty and to punish the guilty. With the growing adoption of non-conventional energy sources like bio-gas plants, even waste material have come to assume considerable value. After the cattle cease to breed or are too old to do work, they still continue to give dung for fuel, manure and bio-gas, and therefore, they cannot be termed as useless. It is well established that the cow is the backbone of Indian agriculture.

Under article 48 of the Constitution, a duty has been cast upon the Government to prohibit slaughter of cows and calves. Acting under this Directive Principle, the Union Parliament has got the legislative competence to enact a law on the subject.

It is, therefore, proposed to enact a uniform central law, namely, the Prevention of Cruelty to Cows Act, 2014 under entry 17 of the Concurrent List in the Seventh Schedule to the Constitution.

The salient features of the Bill are—

- (i) making it a duty of every person having the care or charge of any cow to prevent any cruelty to it;
- (ii) prohibition on killing or causing injuries to cows;
- (iii) restriction on export of cows;
- (iv) prohibition on sale or transport of beef or beef products; and
- (v) penalties for contravention of the aforesaid provisions.

Hence this Bill.

NEW DELHI;
July 1, 2014.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 8 of the Bill provides for the establishment of a Research and Development Institute for Cow and its Progeny. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure to the tune of rupees two hundred crore per annum.

A non-recurring expenditure to the tune of rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.70 OF 2014

A Bill to provide for constitution of a National Commission for Youth for their overall development and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Youth Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(ii) "Commission" means the National Commission for Youth constituted under section 3;

(iii) "prescribed" means prescribed by rules made under this Act; and

(iv) "Youth" means person who has attained the age of eighteen years but is not above the age of forty years.

National
Commission
for Youth.

3. (1) The Central Government shall, by notification in the Official Gazette, constitute a National Commission for Youth.

(2) The Commission shall consist of—

(i) a Chairperson having special knowledge in the field of youth affairs, to be appointed by the Central Government; and

(ii) such number of other members having such qualification as may be prescribed.

(3) The conditions of service, salaries and allowances of Chairperson and other members of the Commission shall be such as may be prescribed.

Central
Government
to provide
officers and
staff for the
Commission.

4. The Central Government shall make available such number of officers and staff including experts to the Commission as may be required for its efficient functioning.

Functions of
the
Commission.

5. The Commission shall—

(i) formulate a national policy for the overall development of youth in the country;

(ii) perform such functions in regard to formulation and implementation of schemes for the welfare of youth as may be assigned to it by the appropriate Government; and

(iii) undertake such other functions as may be assigned to it by the Central Government.

Youth
Development
Fund.

6. (1) The Central Government shall constitute a Fund to be known as the Youth Development Fund to implement the provisions of this Act.

(2) The Central Government and the State Governments shall contribute to the Fund in such ratio as may be prescribed.

Power to
make rules.

7. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after six decades of independence, no clear-cut policy for the overall development of youth has been formulated in our country so far. Today, youth of our country are facing many problems. These include, problems relating to education, poverty, nutrition, self-employment, vocational training, health, etc. There is no institutional mechanism to harness their potential and channelise their energy for the betterment of the country. There is no proper planning for comprehensive development of the youth. The plight of youth belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes is even worse. Apart from all the problems mentioned above, youth belonging to these categories also have to face social ostracisation.

We need to instill a sense of belonging among the youth by providing them all opportunities for their all-round development so that they can contribute to the progress of the country to their full potential. The facilities should be provided as a matter of right and not as privilege. Employment should be guaranteed to the youth. The youth should be linked directly with the production process. The disparities between the rural and urban youth should be eliminated in a phased manner. Steps taken in this direction will not only uplift the conditions of the youth but will also create a better society leading to a civilized and strong nation. A comprehensive youth policy through the National Commission for Youth, for their all-round development is, therefore, need of the hour.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 1, 2014.

SUNIL KUMAR SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for constitution of a National Commission for Youth. Clause 4 provides that the Central Government shall make available necessary officers and staff for the efficient functioning of the Commission. Clause 6 provides for constitution of a Youth Development Fund. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred fifty crore will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.71 OF 2014

A Bill to provide for uniform conditions of service for the non-teaching staff of the Central Universities and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title and
commence-
ment.

1. (1) This Act may be called the Central Universities (Conditions of Service of Non-Teaching Staff) Act, 2014.

(2) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "non-teaching service or post" in relation to a Central University means any service or post other than teaching;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "Central University" means a university established or incorporated by or under an Act of Parliament.

3. (1) Notwithstanding anything contained in any other law for the time being in force, the conditions of service of a person who holds any non-teaching service or post in any Central University for such period, as may be prescribed, shall be same as that of a person holding comparable service or post in the Central Secretariat Service.

Conditions of service of non-teaching staff of Central Universities.

(2) For the purpose of determining services or posts in Central Secretariat Service which shall be comparable to non-teaching services or posts in Central Universities, the Central Government shall appoint an Expert Committee headed by the Chairperson of the University Grants Commission and consisting of such number of other members, as it may deem fit.

Constitution of Expert Committee.

Explanation.—For the purpose of sub-section (1), the expression 'conditions of service' includes pay, allowances, leave, gratuity, pension, provident fund, medical benefits, insurance and such other matters as may be specified by the Central Government, from time to time.

4. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing such difficulty:

Power to remove difficulty.

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

There are thousands of non-teaching staff employed in the universities. As far as the teaching staff of the universities are concerned, the University Grants Commission has fixed uniform pay and allowances for them through recommendations from time to time. But there is no uniformity in the pay and allowances of non-teaching staff. This has resulted in variance in the service conditions of similarly situated employees performing similar duties in different universities. There is no protection for such non-teaching staff under any statute. They are also entitled to same benefits of pay and allowances, etc. as are available to similarly placed staff in the Central Government.

The non-teaching staff of the universities have been agitating for this cause for a long time and it is, therefore, essential to regulate their service conditions in this regard.

Hence this Bill.

NEW DELHI;
July 3, 2014.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the non-teaching staff of Central Universities shall have the same conditions of service as are admissible to the comparable staff of the Central Secretariat Service. It also provides for the constitution of an expert committee for the purpose of determining the posts of non-teaching staff in Central Universities which shall be comparable to the posts in the Central Secretariat Service. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India.

It is estimated that a recurring expenditure of about rupees one crore is likely to be involved from the Consolidated Fund of India per annum.

It is also likely to involve a non-recurring expenditure of about rupees two crore per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.82 OF 2014

A Bill to provide for the establishment of an autonomous Board for the overall development of economically backward areas of the country.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Backward Areas Development Board Act, 2014.

Short title.

2. (1) The Central Government shall, by notification in the Official Gazette, declare the areas of the country which in the opinion of the Central Government are economically backward.

Identification of Backward areas.

(2) Till such time the Central Government by notification declares, the following areas shall be treated as backward areas:—

- (i) Vidarbha region of the State of Maharashtra;
- (ii) State of Telangana except the capital region of Hyderabad;
- (iii) Southern districts of the State of Tamil Nadu;
- (iv) Northern areas of the State of Bihar;
- (v) Tribal areas of the States of Odisha, Madhya Pradesh and Chhattisgarh;
- (vi) Hilly regions of the State of Uttar Pradesh;
- (vii) State of Himachal Pradesh;
- (viii) Hilly areas of the State of Uttarakhand;
- (ix) North-eastern States; and
- (x) Eastern part of the State of Uttar Pradesh.

Backward
Areas
Development
Board.

3. (1) There shall be established by the Central Government, by notification in the Official Gazette, a Board to be called the Backward Areas Development Board.

(2) The Board shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall by the said name sue and be sued.

(3) The head office of the Board shall be at New Delhi and Board may, with the previous approval of the Central Government, establish offices at other places in the country.

Composition
of Board.

4. The Board shall consist of the following members, namely:—

(a) a Chairperson, who shall be the Vice-Chairperson of the Planning Commission, *ex-officio*;

(b) a Vice-Chairperson to be appointed by the Central Government;

(c) six Members of Parliament of whom four shall be from Lok Sabha and two from Rajya Sabha to be elected by the Members of the respective Houses, who belong to the backward areas, from amongst themselves;

(d) nine members to be appointed by the Central Government to represent respectively:—

- (i) the Planning Commission (other than the Chairperson of the Board);
- (ii) the Ministry of the Central Government dealing with Agriculture;
- (iii) the Ministry of the Central Government dealing with Industrial Development;
- (iv) the Ministry of the Central Government dealing with Finance;
- (v) the Ministry of the Central Government dealing with Railways;
- (vi) the Ministry of Central Government dealing with Communications and Information Technology;
- (vii) the Ministry of Central Government dealing with Education;
- (viii) the Ministry of Central Government dealing with Health and Family Welfare; and
- (ix) the Ministry of Central Government dealing with Irrigation.

(e) not more than five members to be appointed by the Central Government, by rotation in alphabetical order, to represent the Government of the States having the backward areas; and

(f) four members to be appointed by the Central Government, who, in the opinion of that Government, are experts in various fields of economic development.

5. (1) It shall be the duty of the Board to promote, by such measures as it thinks fit, the all-around development of the backward areas of the country.

Development
of Backward
Areas.

(2) Without prejudice to the generality of the provisions of sub-section (1), the Board shall take measures for the development, particularly, of railways, roads, posts and telegraphs and other means of communications, agriculture and irrigation, industries, banking, drinking water and water power, forests, live-stock, health and family welfare, education, vocational training and tourism in the backward areas of the country.

(3) the Central Government shall set up such industries in the backward areas as it may determine.

6. The Central Government shall provide from time to time, after due appropriation made by Parliament by law in this behalf, adequate funds for—

Appropriation
of fund.

(a) development works undertaken by the Board; and

(b) administrative expenses of the Board.

7. The Board shall have a fund to be called the Development Fund to which shall be credited all receipts from the Central Government for the purposes of development of the backward areas and all payments by the Board towards development expenditure shall be made therefrom.

Development
fund.

8. The Board shall also have a fund to be called the Administration Fund to which shall be credited all receipts from the Central Government for the purposes of administration of the Board and all administrative expenses shall be met therefrom.

Administration
Fund.

9. The Vice-Chairperson of the Board shall be entitled to such salary and Allowances as may be prescribed by the Central Government.

Salary of Vice-
Chairperson.

10. The Central Government shall appoint a Secretary to the Board to exercise such powers and perform such duties as may be delegated to him by the Chairperson and the Vice-Chairperson.

Secretary to
the Board.

11. The Board may appoint such officers and employees as may be necessary for the efficient performance of its functions.

Appointment
of officers and
staff.

12. (1) The Board shall submit every year a report, in such form as may be prescribed, of its development activities in the backward areas to the Prime Minister.

Annual
Report.

(2) The Prime Minister shall cause the report to be laid before each House of Parliament as soon as may be after receipt of the report.

13. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Powers to
make rules.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of thirty days as aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be made without prejudice to the validity of anything previously done under the rule.

STATEMENT OF OBJECTS AND REASONS

The need for reducing and removing economic disparities between different regions of the country was recognised as soon as the nation launched the programme of planned economic development. Accelerated development of backward areas, with a view to reduce regional disparities, was one of the important national objectives. But, even after sixty-six years of independence, the economic disparities among regions have not only persisted but have also increased. Required attention has not been paid to develop the backward areas.

For the development of the backward areas of the country and to bring them up in a short time to the level of the rest of the country, the strategy should be to evolve a fully integrated development programme for identified backward areas to ensure their all-round progress. For drought-prone areas which have a predominance of small and marginal farmers, area based programmes which envisage a flow of the necessary inputs in the form of a package to enable accelerated economic development should be implemented. In addition, a programme of giving incentives to enable accelerated industrialization of identified backward areas should be implemented. It should be ensured that infrastructural facilities like power, water supply and transport are steadily developed and made available to areas which are at present lagging behind industrially or where there is a greater need for providing opportunities for employment. In order to achieve these objectives, an autonomous body, though under the overall control of the Central Government, should be established which would be responsible for planning and implementation of area based package programmes in coordination with the Planning Commission and the State Governments.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 3, 2014.

JAGDAMBIKA PAL

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117(3)
OF THE CONSTITUTION

[Copy of letter No. H-11016/7/2014-MLP dated 17 July, 2014 from Shri Rao Inderjit Singh, Minister of State for the Ministry of Planning, Statistics and Programme Implementation and Minister of State in the Ministry of Defence to the Secretary-General, Lok Sabha].

The President, having been informed of the subject matter of the Backward Areas Development Board Bill, 2014 by Shri Jagdambika Pal, Member of Parliament, has recommended the consideration of the Bill by Lok Sabha under article 117(3) of the Constitution.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of the Backward Areas Development Board. Clause 4 provides for appointment of Vice-Chairperson and four members who are experts in various fields of economic development, among others. Clause 9 provides for payment of salary to Vice-Chairperson. Clauses 10 and 11 provides for appointment of a Secretary to the Board and other necessary staff for performance of the functions of the Board. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees fifteen lakh from the Consolidated Fund of India on account of administrative expenses. So far as the development expenditure (Clause 6) is concerned, that will form part of the annual expenditure on development plans of the country as a whole, and the development funds shall be made available to the Board after due appropriation by Parliament. An estimate of such expenditure is not possible at this state. However, a recurring expenditure of about rupees ten thousand crore would be involved.

A non-recurring expenditure of about rupees fifty crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 13 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will provide for matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.79 OF 2014

A Bill to provide for the constitution of a Regulatory Authority for regulation of Pre-Examination Coaching Centres and for matters connected therewith.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Pre-Examination Coaching Centres Regulatory Authority Act, 2014.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) 'Authority' means Pre-Examination Coaching Centres Regulatory Authority constituted under section 3;

(b) 'pre-examination coaching centre' means an institute or establishment where any coaching is imparted for admission into any professional course including medical or engineering education or for appearing in any examination conducted by any Government or private establishment for the purpose of securing employment; and

(c) 'prescribed' means prescribed by rules made under this Act.

3. (1) The Central Government shall constitute a Pre-Examination Coaching Centres Regulatory Authority for the purpose of regulating and controlling pre-examination coaching centres, in such manner as may be prescribed.

Pre-
Examination
Coaching
Centres
Regulatory
Authority.

(2) The Central Government shall appoint such number of officers and staff as it considers necessary for the efficient functioning of the Authority.

(3) The headquarter of the Authority shall be situated at New Delhi.

(4) The Authority shall have its offices in every State/Union territory.

4. The Authority shall perform the following functions,—

Functions of
the Authority.

(i) conferring recognition to pre-examination coaching centres imparting coaching for various competitive examinations;

(ii) prescribing fees to be charged from students for pre-examination coaching being imparted at the coaching centres;

(iii) fixing minimum number of classroom lectures for various courses being offered at the coaching centres;

(iv) laying down minimum qualifications for the teachers to be employed in the coaching centres;

(v) prescribing penalties against such coaching centres which are not following the provisions of this Act; and

(vi) any other work relating to regulation of coaching centres as may be assigned to it by the Central Government from time to time.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to
make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The number of private institutions conducting pre-examination coaching is increasing at an alarming rate throughout the country. These coaching centres claim to be shaping the future of the youth of this country. Some of these coaching centres make false claims in order to attract maximum number of students and get huge amount from them as fees without providing proper coaching to them, thereby endangering their future. Therefore, there is an urgent need to enact a legislation to regulate the functioning of such coaching centres in the country.

Hence this Bill.

NEW DELHI;
July 3, 2014.

JAGDAMBIKA PAL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Pre-examination Coaching Centres Regulatory Authority. The Bill, therefore, if enacted, is likely to involve expenditure from Consolidated Fund of India. It is estimated that a recurring expenditure of rupees one hundred crore is likely to be involved per annum.

A non-recurring expenditure of rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.80 OF 2014

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2014. Short title.

C.O. 22 **2.** In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Amendment
of the
Schedule.
PART III.—*Bihar*;—

(i) the existing entry 1 shall be re-numbered as entry 1A, and before entry 1A as so re-numbered, the following entry shall be inserted, namely:—

"1. Amaat";

(ii) after entry 5, the following entries shall be inserted, namely:—

"5A. Beend

5B. Beldar";

(iii) after entry 10, the following entries shall be inserted, namely:—

"10A. Dhanuk

10B. Gangaut";

(iv) after entry 12, the following entry shall be inserted, namely:—

"12A. Gorhi";

(v) after entry 13, the following entry shall be inserted, namely:—

"13A. Kahar";

(vi) after entry 14, the following entry shall be inserted, namely:—

"14A. Kewat";

(vii) after entry 22, the following entry shall be inserted, namely:—

"22A. Mallah";

(viii) after entry 24, the following entry shall be inserted, namely:—

"24A. Nunia";

(ix) after entry 33, the following entry shall be inserted, namely:—

"34. Turha".

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 342 of the Constitution, the list of Scheduled Tribes of various States was first notified in 1950 and since then the list has been modified from time to time. However, there are still certain tribes, namely, Amaat, Beend, Beldar, Dhanuk, Kahar, Gangaut, Gorhi, Kewat, Mallah, Nunia and Turha in the State of Bihar which have not yet been included in the list of Scheduled Tribes, in respect of that State. The people belonging to these tribes are still socially, educationally and economically backward and are leading a miserable life even after decades of planned development. These communities fulfill all the criteria for being included as a tribe in the Constitution (Scheduled Tribes) Order, 1950. Moreover, they have also been demanding such a status for a long time. Therefore, conferring the status of Scheduled Tribe to these communities is necessary to secure justice for them.

The Bill seeks to achieve the above objective by amending the list of Scheduled Tribes in respect of the State of Bihar.

Hence this Bill.

NEW DELHI;
July 4, 2014.

JAI PRAKASH NARAYAN YADAV

FINANCIAL MEMORANDUM

The Bill seeks to include certain tribes in the list of Scheduled Tribes in respect of the State of Bihar because of their social, educational and economic backwardness. The Bill, therefore, if enacted, would involve recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to these communities under continuing schemes meant for development of the Scheduled Tribes from the Consolidated Fund of India. At this stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore would be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO.75 OF 2014

A Bill further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2014.

Amendment
of the
Schedule.

2. In the Schedule to the Constitution (Scheduled Castes) Order, 1950, in PART III.— C.O. 19.
Bihar,—

(i) after entry 8, the following entry shall be inserted,—

“8A. Dhanuk”;

(ii) after entry 14, the following entry shall be inserted,—

“14A. Kahar”;

(iii) after entry 15, the following entries shall be inserted,—

“15A. Kewat

15B. Kumhar”;

(iv) after entry 17, the following entry shall be inserted,—

“17A. Mallah”;

(v) after entry 19, the following entry shall be inserted,—

“19A. Nunia”;

(vi) after entry 22, the following entries shall be inserted,—

“22A. Tatma

22B. Turha”.

STATEMENT OF OBJECTS AND REASONS

In pursuance of article 341 of the Constitution, the list of Scheduled Castes of various State was first notified in 1950 and since then the list has been modified from time to time. However, there are still certain castes, namely, Dhanuk, Kahar, Kewat, Kumhar, Mallah, Nunia, Tatma and Turha in the State of Bihar which have not yet been included in the list of Scheduled Castes, in respect of that State. The people belonging to these castes are still socially, educationally and economically backward and are leading a miserable life even after decades of planned development. Therefore, conferring the status of Scheduled Caste to these communities is necessary to secure justice for them.

The Bill seeks to achieve the above objective by amending the list of Scheduled Castes in respect of the State of Bihar.

Hence this Bill.

NEW DELHI;
July 4, 2014.

JAI PRAKASH NARAYAN YADAV

FINANCIAL MEMORANDUM

The Bill seeks to include certain castes in the list of Scheduled Castes in respect of the State of Bihar because of their social, educational and economic backwardness. The Bill, therefore, if enacted, would involve additional recurring and non-recurring expenditure on account of benefits to be provided to the persons belonging to these communities under continuing schemes meant for development of the Scheduled Castes from the Consolidated Fund of India. At this Stage, it is not possible to give the exact amount to be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore would be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

BILL NO. 67 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014.

Short title.

2. Article 243A of the Constitution shall be re-numbered as clause (1) of that article and, after clause (1) as so re-numbered, the following clauses shall be inserted, namely:—

Amendment
of article
243A.

“(2) Subject to the provisions of this Part, a Gram Sabha shall meet at least four times in a year at such time and place as it may determine but three months shall not intervene between its two consecutive sittings.

(3) Every Gram Sabha shall endeavour to disseminate as much information, *suo-motu*, about the schemes and programmes introduced by the Government to be implemented through the agency of Gram Sabha, among the people within its jurisdiction at regular intervals, so that people can effectively monitor the functioning of Gram Sabha.”.

STATEMENT OF OBJECTS AND REASONS

There is a provision in our Constitution for sittings of Parliament and State Assemblies at regular intervals. But no similar provision has been made for sittings of Gram Sabha. Gram Sabhas are grass root level democratic institutions which are working for the welfare of the people living in rural areas. People in rural areas are largely ignorant about the schemes being implemented by the Government and they do not have any mechanism to monitor the functioning of Gram Sabha. Unless a provision is made in the Constitution itself for holding regular sittings of Gram Sabha, the very purpose of delegation of powers to local self government institutions will be defeated and the democracy at the grass root level will be difficult to sustain. Therefore, it is proposed to make it mandatory on the part of Gram Sabhas to hold their sittings at regular intervals across the country.

Hence this Bill.

NEW DELHI;
July 4, 2014.

SHAILESH KUMAR (BULO MANDAL)

BILL NO. 81 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014.

Short title.

2. In article 171 of the Constitution,—

(i) in clause (3), in sub-clause (c), the words "not lower in standard than that of a secondary school," shall be omitted; and

Amendment
of article 171.

(ii) after clause (3), the following clause shall be inserted, namely:—

"(3A). Any law made by Parliament under sub-clause (c), before the coming into force of the Constitution (Amendment) Act, 2014 shall, to the extent that such law bars educational institutions lower in standard than that of a secondary school, be void."

STATEMENT OF OBJECTS AND REASONS

Legislative Councils exist in the States of Andhra Pradesh, Bihar, Uttar Pradesh, Maharashtra, Karnataka and Jammu and Kashmir. According to article 171 of the Constitution, teachers of higher secondary schools and colleges only are eligible to vote in elections to the Legislative Councils of those States. It is ironical that the teachers of primary schools have been denied this privilege inspite of the fact that the number of primary schools in the country is very large and the number of teachers in such schools is also equally large. Moreover, the teachers of primary schools play a crucial role in moulding the future of the country by instilling good values in children. When our Constitution was being drafted, the number of Government primary schools were very few in number. That may be the reason for non-inclusion of teachers of primary schools as electors of Legislative Councils.

Therefore, the Bill seeks to amend the Constitution with a view to enable a large number of primary school teachers to vote in elections to Legislative Councils alongwith the teachers of higher secondary schools and colleges in order to give them a voice in elections to Legislative Councils. The demand for the same is going on for a long time and it is high time that such a legislation is brought forth.

Hence this Bill.

NEW DELHI;
July 4, 2014.

SHAILESH KUMAR (BULO MANDAL)

BILL NO. 72 OF 2014

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2014.

Short title.

2. In article 39 of the Constitution, after clause (a), the following clauses shall be inserted, namely:—

Amendment
of article 39.

"(aa) that every citizen has the right to have access to safe drinking water;

(ab) that every citizen has the right to have access to sanitation services;"

STATEMENT OF OBJECTS AND REASONS

Drinking water and sanitation are basic necessities for sustaining life. The Right to life enshrined in article 21 of the Constitution is meaningless unless a citizen has the right to access to clean and safe drinking water and sanitation services. In the year 2010, the UN General Assembly and the Human Rights Council recognized provisions of safe drinking water and sanitation as human rights. The right to safe drinking water and sanitation services should be treated as two distinct human rights and recognized as human rights of every citizen so that every citizen is able to maintain a decent standard of living.

The Bill, therefore, seeks to amend the Constitution with a view to make it a duty of the State to recognise and secure rights to have access to safe drinking water and sanitation services to every citizen of the country.

NEW DELHI;
July 7, 2014.

P.P. CHAUDHARY